Washington State Register

NOVEMBER 17, 1982

OLYMPIA, WASHINGTON

ISSUE 82-22

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STATE PRINTING PLANT OLYMPIA, WASHINGTON

CITATION

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DENNIS W. COOPER
Code Reviser

WASHINGTON STATE REGISTER

(ISSN 0164-6389) is published twice each month by the Statute Law Committee, Office of the Code Reviser, Olympia, WA 98504, pursuant to chapter 240, Laws of 1977 ex. sess. Subscription rate $95 per year, post-paid to points in the United States. Second-class postage paid at Olympia, Washington.

Changes of address notices, subscription orders, and undelivered copies should be sent to:

WASHINGTON STATE REGISTER
Code Reviser's Office
Legislative Building
Olympia, WA 98504

The Washington State Register is an official publication of the State of Washington. It contains proposed, emergency, and permanently adopted administrative rules, as well as other documents filed with the Code Reviser pursuant to RCW 34.08.020 and 42.30.075. Publication of any material in the Washington State Register is deemed to be official notice of such information.

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

Documents are arranged within each issue of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence within an issue's material.

2. PROPOSED, ADOPTED, AND EMERGENCY RULES OF STATE AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION

The three types of rule-making actions taken under the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW) may be distinguished by the size and style of type in which they appear.

(a) **Proposed rules** are those rules pending permanent adoption by an agency and set forth in eight point type.

(b) **Adopted rules** have been permanently adopted and are set forth in ten point type.

(c) **Emergency rules** *have been adopted on an emergency basis and are set forth in ten point oblique type.*

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

RCW 34.04.058 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

(a) In amendatory sections—
  (i) underlined matter is new matter;
  (ii) deleted matter is ((~~lined out and bracketed between double parentheses~~));

(b) Complete new sections are prefaced by the heading NEW SECTION;

(c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading REPEALER.

4. EXECUTIVE ORDERS, COURT RULES, NOTICES OF PUBLIC MEETINGS

Material contained in the Register other than rule-making actions taken under the APA or the HEAPA does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

5. EFFECTIVE DATE OF RULES

(a) Permanently adopted agency rules take effect thirty days after the rules and the agency order adopting them are filed with the code reviser. This effective date may be delayed, but not advanced, and a delayed effective date will be noted in the promulgation statement preceding the text of the rule.

(b) Emergency rules take effect upon filing with the code reviser and remain effective for a maximum of ninety days from that date.

(c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

6. EDITORIAL CORRECTIONS

Material inserted by the code reviser for purposes of clarification or correction or to show the source or history of a document is enclosed in brackets [ ].

7. INDEX AND TABLES

A combined subject matter and agency index and a table of WAC sections affected may be found at the end of each issue.

1982 - 1983

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates[1]			Distribution Date	First Agency Action Date[3]
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS[2] or 10 p. max. Non-OTS		
For Inclusion in—	*File no later than—*			*Count 20 days from—*	*For hearing/adoption on or after*
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83-24	Nov 9	Nov 23	Dec 7	Dec 21	Jan 10, 1984

[1]All documents are due at the Code Reviser's Office by 5:00 p.m. on the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-12-035 or 1-13-035.

[2]A filing of any length will be accepted on the closing dates of this column if it has been prepared by the Order Typing Service (OTS) of the Code Reviser's Office; see WAC 1-12-220 or 1-13-240. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

[3]"No proceeding may be held on any rule until twenty days have passed from the distribution date of the Register in which notice thereof was contained." RCW 28B.19.030(4) and 34.04.025(4). These dates represent the twentieth day after the distribution date of the applicable Register.

WSR 82-21-025
ADOPTED RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1892—Filed October 13, 1982]

I, David A. Hogan, director of the Division of Administration, do promulgate and adopt at Olympia, Washington, the annexed rules relating to nursing home accounting and reimbursement system, amending chapter 388-96 WAC.

This action is taken pursuant to Notice No. WSR 82-17-056 filed with the code reviser on August 17, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.09.120 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 13, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1712, filed 11/4/81)

WAC 388-96-010 TERMS. Unless the context clearly requires otherwise, the following terms shall have the meaning set forth in this section when used in this chapter.

(1) "Accrual method of accounting" – A method of accounting in which revenues are reported in the period when earned, regardless of when collected, and expenses are reported in the period in which incurred, regardless of when paid.

(2) "Allowable costs" – See WAC 388-96-501.

(3) "Appraisal" – The process of establishing the fair market value or reconstructing the historical cost of an asset acquired in a past period as performed by an individual professionally designated either by the American institute of real estate appraisers as a member, appraisal institute (MAI), or by the society of real estate appraisers as a senior real estate analyst (SREA) or a senior real property appraiser (SRPA). Appraisal includes a systematic, analytic determination, the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

(4) "Arm's-length transaction" – A transaction resulting from good-faith bargaining between a buyer and seller who are unrelated and have adverse bargaining positions in the market place.

(5) "Assets" – Economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles. "Assets" also include certain deferred charges which are not resources but which are recognized and measured in accordance with generally accepted accounting principles.

(6) "Bad debts" – Amounts considered to be uncollectable from accounts and notes receivable.

(7) "Beds" – Unless otherwise specified, the number of set-up beds in the nursing home, not to exceed the number of licensed beds.

(8) "Beneficial owner" – Any person who:

(a) Directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest.

(b) Directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself or herself of beneficial ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter.

(c) Subject to subsection (2) of this section, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iv) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

(v) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

Except that, any person who acquires an ownership interest or power specified in subsection (3)(a), (b), or (c) of this section with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power.

(d) Any person who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary which are required to declare a default and determines that the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised: PROVIDED, That

(i) The pledge agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in subsection (2) of this section; and

(ii) The pledge agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or direct or to direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power(s) pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

(9) "Capitalization" – The recording of an expenditure as an asset.

(10) "Capitalized lease" – A lease which is required to be recorded as an asset and associated liability in accordance with generally accepted accounting principles.

(11) "Cash method of accounting" – A method of accounting in which revenues are recognized only when cash is received, and expenditures for expense and asset items are not recorded until cash is disbursed for those expenditures and assets.

(12) "Change of ownership" – A change in the individual or legal organization which is responsible for the daily operation of a nursing home.

(a) Events which change ownership include but are not limited to the following:

(i) The form of legal organization of the contractor is changed (e.g., a sole proprietor forms a partnership or corporation);

(ii) Title to the nursing home enterprise is transferred by the contractor to another party;

(iii) The nursing home enterprise is leased, or an existing lease is terminated;

(iv) Where the contractor is a partnership, any event occurs which dissolves the partnership;

(v) Where the contractor is a corporation, the corporation is dissolved, merges with another corporation which is the survivor, or consolidates with one or more other corporations to form a new corporation.

(b) Ownership does not change when the following, without more, occur:

(i) A party contracts with the contractor to manage the enterprise as the contractor's agent, i.e., subject to the contractor's general approval of daily operating decisions;

(ii) If the contractor is a corporation, some or all of its stock is transferred.

(13) "Charity allowances" – Reductions in charges made by the contractor because of the indigence or medical indigence of a patient.

(14) "Contract" – A contract between the department and a contractor for the delivery of SNF((;)) or ICF ((~~and/or IMR~~)) services to medical care recipients.

(15) "Contractor" – An entity which contracts with the department to deliver care services to medical care recipients in a facility and which entity is responsible for operational decisions.

(16) "Courtesy allowances" – Reductions in charges in the form of an allowance to physicians, clergy, and others, for services received from the contractor. Employee fringe benefits are not considered courtesy allowances.

(17) "CSO" – The local community services office of the department.

(18) "Department" – The department of social and health services (DSHS) and employees.

(19) "Depreciation" – The systematic distribution of the cost or other base of tangible assets, less salvage, over the estimated useful life of the assets.

(20) "Donated asset" – An asset which the contractor acquired without making any payment for the asset in the form of cash, property, or services. An asset is not a donated asset if the contractor made even a nominal payment in acquiring the asset. An asset purchased using donated funds is not a donated asset.

(21) "Entity" – An individual partnership, corporation, or any other association of individuals capable of entering enforceable contracts.

(22) "Equity capital" – Total tangible and other assets which are necessary, ordinary, and related to patient care from the most recent provider cost report minus related total long-term debt from the most recent provider cost report plus working capital as defined in this section.

(23) "Exceptional care recipient" – A medical care recipient determined by the department to require exceptionally heavy care.

(24) "Facility" – A nursing home licensed in accordance with chapter 18.51 RCW, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

(25) "Fair market value" – The price for which an asset would have been purchased on the date of acquisition in an arm's-length transaction between a well-informed buyer and seller, neither being under any compulsion to buy or sell.

(26) "Fiscal year" – The operating or business year of a contractor. All contractors report on the basis of a twelve month fiscal year, but provision is made in this chapter for reports covering abbreviated fiscal periods.

(27) "Generally accepted accounting principles" – Accounting principles approved by the financial accounting standards board (FASB).

(28) "Goodwill" – The excess of the price paid for a business over the fair market value of all other identifiable, tangible, and intangible assets acquired. Also, the excess of the price paid for an asset over the fair market value of the asset.

(29) "Historical cost" – The actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architects' fees, and engineering studies.

(30) "ICF" – When referring to a nursing home, an intermediate care facility. When referring to a level of care, intermediate care. When referring to a patient, a patient requiring intermediate care.

(31) "Imprest fund" – A fund which is regularly replenished in exactly the amount expended from it.

((~~(32) "IMR" – When referring to a facility, one certified to provide services to the mentally retarded or persons with related conditions. When referring to a level of care, services for the mentally retarded or persons with related conditions. When referring to a recipient, a recipient requiring IMR services.~~

~~(33)~~)) (32) "Interest" – The cost incurred for the use of borrowed funds, generally paid at fixed intervals by the user.

((~~(34)~~)) (33) "Intermediate care facility" – A licensed facility certified to deliver intermediate care services to medical care recipients.

((~~(35)~~)) (34) "Joint facility costs" – Any costs representing expenses incurred which benefit more than one facility, or one facility and any other entity.

((~~(36)~~)) (35) "Levels of care" – The classification of types of services provided to patients by a contractor, e.g., skilled nursing care or intermediate care.

((~~(37)~~)) (36) "Medical care program" – Medical assistance provided under RCW 74.09.500 or authorized state medical care services.

((~~(38)~~)) (37) "Medical care recipient" – An individual determined eligible by the department for the services provided in chapter 74.09 RCW.

((~~(39)~~)) (38) "Multiservice facility" – A facility at which two or more types of health or related care are delivered, e.g., a hospital and SNF and/or ICF, or a boarding home and SNF and/or ICF. A combined SNF/ICF or ICF/IMR is not considered a multiservice facility.

((~~(40)~~)) (39) "Nonallowable costs" – Same as "unallowable costs."

((~~(41)~~)) (40) "Nonrestricted funds" – Funds which are not restricted to a specific use by the donor, e.g., general operating funds.

((~~(42)~~)) (41) "Nursing home" – A home, place or institution, licensed in accordance with chapter 18.51 RCW, in which skilled nursing((;)) and/or intermediate care ((~~and/or IMR~~)) services are delivered.

((~~(43)~~)) (42) "Operating lease" – A lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

((~~(44)~~)) (43) "Owner" – A sole proprietor, general or limited partner, or beneficial interest holder of five percent or more of a corporation's outstanding stock.

((~~(45)~~)) (44) "Ownership interest" – All interests beneficially owned by a person, calculated in the aggregate, regardless of the form which such beneficial ownership takes.

((~~(46)~~)) (45) "Patient day" – A calendar day of patient care. In computing calendar days of care, the day of admission is always counted. The day of discharge is counted only when the patient was admitted on the same day. A patient is admitted for purposes of this definition when he or she is assigned a bed and a patient medical record is opened.

((~~(47)~~)) (46) "Per diem (per patient day) costs" – Total allowable costs for a fiscal period divided by total patient days for the same period.

((~~(48)~~)) (47) "Prospective daily payment rate" – The rate assigned by the department to a contractor for providing service to medical care recipients. The rate is used to compute the maximum participation of the department in the contractor's costs.

((~~(49)~~)) (48) "Recipient" – A medical care recipient.

((~~(50)~~)) (49) "Regression analysis" – A statistical technique through which one can analyze the relationship between a dependent or criterion variable and a set of independent or predictor variables.

((~~(51)~~)) (50) "Related organization" – An entity which, to a significant extent, is under common ownership and/or control with, or has control of or is controlled by, the contractor. An entity is deemed to "control" another entity if the entity has a five percent or greater ownership interest in the other, or if the entity has capacity, derived from any financial or other relationship, and whether or not exercised, to influence directly or indirectly the activities of the other.

((~~(52)~~)) (51) "Relative" – Spouse; natural parent, child, or sibling; adopted child or adoptive parent; step–parent, step–child, step–brother, step–sister; father–in–law, mother–in–law, son–in–law, daughter–in–law, brother–in–law, sister–in–law; grandparent or grandchild; uncle, aunt, nephew, niece or cousin.

((~~(53)~~)) (52) "Restricted fund" – A fund the use of the principal and/or income of which is restricted by agreement with or direction by the donor to a specific purpose, in contrast to a fund over which the contractor has complete control. These generally fall into three categories:

(a) Funds restricted by the donor to specific operating purposes;

(b) Funds restricted by the donor for additions to property, plant, and equipment; and

(c) Endowment funds.

((~~(54)~~)) (53) "Secretary" – The secretary of the department of social and health services (DSHS).

((~~(55)~~)) (54) "Skilled nursing facility" – A licensed facility certified to deliver skilled nursing care services to medical care recipients.

((~~(56)~~)) (55) "SNF" – When referring to a facility, a skilled nursing facility. When referring to a level of care, skilled nursing care. When referring to a patient, a patient requiring skilled nursing care.

((~~(57)~~)) (56) "Start–up costs" – The one–time preopening costs incurred from the time preparation begins on a newly constructed or purchased building until the first patient is admitted. Start–up costs include administrative and nursing salaries, utility costs, taxes, insurance, repairs and maintenance, training costs, etc. Start–up costs do not include expenditures for capital assets.

((~~(58)~~)) (57) "Title XIX" – The 1965 amendments to the social security act, P.L. 89–07, as amended.

((~~(59)~~)) (58) "Unallowable costs" – Costs which do not meet every test of an allowable cost.

((~~(60)~~)) (59) "Uniform chart of accounts" – A list of account titles identified by code numbers established by the department for contractors to use in reporting costs.

((~~(61)~~)) (60) "Vendor number" – A number assigned to each contractor delivering care services to medical care recipients.

((~~(62)~~)) (61) "Working capital" – Total current assets which are necessary, ordinary, and related to patient care from the most recent cost report minus total current liabilities which are necessary, ordinary, and related to patient care from the most recent cost report.

AMENDATORY SECTION (Amending Order 1300, filed 6/1/78)

WAC 388–96–020 PROSPECTIVE COST–RELATED REIMBURSEMENT. The prospective cost–

related reimbursement system is the system used by the department to pay for skilled nursing facility services((;)) and intermediate care facility services ((~~and IMR services~~)) provided to medical care recipients. Reimbursement rates for such services covering periods beginning on and after January 1, 1978, will be determined in accordance with the principles, methods and standards contained in this chapter.

AMENDATORY SECTION (Amending Order 1300, filed 6/1/78)

WAC 388-96-023 CONDITIONS OF PARTICIPATION. In order to participate in the prospective cost-related reimbursement system, the person or legal organization responsible for operation of a nursing home or multiservice facility shall:

(1) Obtain a state certificate of need and/or federal capital expenditure review (Section 1122) approval pursuant to chapter 70.38 RCW and Part 100, Title 42 C.F.R. where required. A certificate of need, is required before commencement of a nursing home "construction" project (including acquisition) costing in excess of one hundred thousand dollars. Section 1122 approval is required for nursing home capital expenditures which (a) cost in excess of one hundred thousand dollars, (b) add or delete licensed beds, or (c) add or delete clinically related services;

(2) Hold the appropriate current license (e.g., nursing home license, hospital license);

(3) Hold current Title XIX certification to provide SNF((;)) and/or ICF ((~~and/or IMR~~)) services;

(4) Hold a current contract to provide SNF, ICF and/or IMR services; and

(5) Comply with all provisions of the contract and all applicable regulations, including but not limited to the provisions of this chapter and of chapter 388-88 WAC.

AMENDATORY SECTION (Amending Order 1300, filed 6/1/78)

WAC 388-96-032 TERMINATION OF CONTRACT. (1) When a contract is terminated for any reason, the old contractor shall submit final reports in accordance with WAC 388-96-125. Payment for care provided during the final thirty days of service under a contract will be held until the contractor has filed a properly completed final annual report, and final settlement has been determined.

(2) Following final settlement, a payment withheld pursuant to subsection (1) of this section will be sent to the contractor, after any overpayment determined in connection with final settlement has been deducted. If the contractor contests the settlement determination in accordance with WAC 388-96-904, the department will hold the amount in dispute pending completion of the appeal process, but will release the balance of such payment to the contractor.

(3) The department will release a payment which would be withheld pursuant to subsection (1) of this section, provided a bond issued by a reputable bonding company and acceptable to the department is filed by the contractor. The bond shall:

(a) Be in an amount equal to the released payment;

(b) Be for a term sufficient to ensure effectiveness after final settlement and the exhaustion of administrative and judicial remedies;

(c) Provide that the full amount of the bond shall be paid to the department if a properly completed final annual report is not filed in accordance with this chapter, or if financial records supporting this report are not preserved and made available to the department's auditors; and

(d) Provide that an amount equal to any recovery the department determines is due from the contractor at settlement, but not exceeding the amount of the bond, shall be paid to the department in the event the contractor does not pay the refund within sixty days following receipt of written demand or the conclusion of administrative or judicial proceedings to contest settlement issues.

(4) If a contract is terminated solely in order for the same owner to contract with the department to deliver SNF((;)) or ICF ((~~or IMR~~)) services to a different class of medical care recipients at the same nursing home, the contractor is not required to submit final reports, and payment for the final thirty days will not be withheld.

(5) When a contract is terminated, any accumulated liabilities which are assumed by a new owner shall be reversed against the appropriate accounts by the contractor.

NEW SECTION

WAC 388-96-108 FAILURE TO SUBMIT FINAL REPORTS. (1) If a contract is terminated, the old contractor shall submit a final report as required by WAC 388-96-032(1) and WAC 388-96-125(3). Such final reports must be received by the department within ninety days after the contract is terminated or prior to the expiration of any department-approved extension granted pursuant to WAC 388-96-107. If a final report is not submitted, all payments made to the contractor relating to the period for which a report has not been received shall be returned to the department within thirty days after receiving written demand from the department.

(2) Effective thirty days after written demand for payment is received by the contractor interest will begin to accrue payable to the department on any unpaid balance at the rate of one percent per month.

AMENDATORY SECTION (Amending Order 1168, filed 11/3/76)

WAC 388-96-369 THE PROVIDER SHALL MAINTAIN A SUBSIDIARY LEDGER WITH AN ACCOUNT FOR EACH RECIPIENT FOR WHOM THE PROVIDER HOLDS MONEY IN TRUST. (1) Each account and related supporting information shall:

(a) Be maintained at the facility,

(b) Be kept current,

(c) Be balanced each month, and

(d) Show in detail, with supporting verification, all moneys received on behalf of the individual patient and the disposition of all moneys so received.

(2) Each account shall be available for audit and inspection by a department representative and be maintained for a minimum of three years. The provider further agrees to notify the ((~~economic and social service~~)) community services office of the department when:

(a) The account of any individual certified on or before December 31, 1973, whose award letter indicates a limit of $200.00 cash, reaches the sum of $175.00.

The ((~~economic and social service~~)) community services office will re-evaluate the status of each recipient certified under the eligibility criteria prior to January 1, 1974, who has an award letter specifying a $200.00 cash limit.

(b) The account of any individual certified on or after January 1, 1974, whose award letter indicates a limit of $1,500.00 reaches the sum of $1,450.00.

(c) For both groups, the accumulation toward the limit, after admission to the facility, is permitted only from savings from the clothing and personal incidentals allowance and other income which the department specifically designates as exempt income from time to time.

(d) No patient account may be overdrawn (show a debit balance). If a patient wants to spend an amount greater than in such patient's trust account, the home may provide money from its own funds and collect the debt by installments from that portion of the patient's allowance remaining at the end of each month. No interest may be charged to patients for such loans.

(3) In order to ensure that patient trust accounts are not charged for services provided under the Title XIX program, any charge for medical services otherwise properly made to a patient's trust account must be supported by a written denial from the department.

(a) A request for additional equipment such as a walker, wheelchair or crutches must have a written denial from the department of social and health services before a patient trust account can be charged.

(b) Except as otherwise provided ((~~below~~)) as follows, a request for physical therapy, restorative therapy, drugs, or other medical services must have a written denial from the local ((~~ESSO~~)) CSO before a patient trust account can be charged.

((~~(i)~~)) (c) A written denial from the local ((~~ESSO~~)) CSO is not required when the pharmacist verifies that a drug is not covered by the program (e.g., items on the FDA list of Ineffective or Possible Effective drugs, non-formulary over-the-counter (OTC) medications such as vitamins, laxatives, nose drops, etc.). The pharmacist's notation to this effect is sufficient.

AMENDATORY SECTION (Amending Order 1168, filed 11/3/76)

WAC 388-96-375 TRUST MONEYS CONTROL/DISBURSEMENT. Trust moneys shall be held in trust and are not to be turned over to anyone other than the recipient or his or her guardian without the written consent of the recipient, his or her designated agent as appointed by ((~~power of attorney~~)) power of attorney, or appropriate department of social and health services personnel as designated by the ((~~ESSO~~)) CSO administrator.

(1) When moneys are received, a receipt should be filled out in duplicate; one copy should be given to the person making payment or deposit, and the other copy should be retained in the receipt book for easy reference.

(2) Checks received by patients must be endorsed by the patient. Schedule I-A(6e) of the agreement states in part: "Each patient receiving a check or state warrant is responsible for endorsement by his own signature. Only when the patient is incapable of signing his name may the Provider assume the responsibility of securing the patient's mark "X" followed by the name of the patient and the signature of two witnesses."

(3) If both the general fund account and the trust fund account are at the same bank, the trust portion of checks which include care payments can be deposited directly to trust by including a trust account deposit slip for the correct amount with the checks and the general account deposit slip.

(4) The patient's trust account ledger sheet must be credited with the allowance received. This should be referenced with the receipt number and must be supported by a copy of the deposit slip (one copy for all deposits made).

AMENDATORY SECTION (Amending Order 1168, filed 11/3/76)

WAC 388-96-384 LIQUIDATION OF TRUST FUND. (1) Expired Patient. The provider will obtain a receipt from next of kin, guardian, or duly qualified agent when releasing the balance of money held in trust. If there is no identified next of kin, guardian, or duly qualified agent, the ((~~ESSO~~)) CSO is to be contacted in writing within seven days for assistance in the release of the money held in trust. A check or other document showing payment to such next of kin, guardian, or duly qualified agent will serve as a receipt.

(2) Patient, unable to locate. In situations where the patient leaves the nursing home without authorization and his or her whereabouts are unknown:

(a) The nursing home will make a reasonable attempt to locate the missing patient. This includes: Contacting friends, relatives, police, the guardian, and the ((~~economic and social~~)) community services office in the area.

(b) If the patient cannot be located after ((~~90~~)) ninety days, the nursing home must notify the Department of Revenue of the existence of "abandoned property", outlined in chapter 63.28 RCW. The nursing home will be required to deliver to the Department of Revenue the balance of the ((~~patients'~~)) patient's trust fund account within ((~~20~~)) twenty days following such notification.

AMENDATORY SECTION (Amending Order 1613, filed 2/25/81)

WAC 388-96-505 OFFSET OF MISCELLANEOUS REVENUES. (1) Allowable costs shall be reduced by the contractor whenever the item, service, or activity covered by such costs generates revenue or financial benefits (e.g., purchase discounts or rebates) other than through the contractor's normal billing for care services; except that, unrestricted grants, gifts, and

endowments, and interest therefrom, will not be deducted from the allowable costs of a nonprofit facility.

(2) Where goods or services are sold, the amount of the reduction shall be the actual cost relating to the item, service, or activity. In the absence of adequate documentation of cost, it shall be the full amount of the revenue received. Where financial benefits such as purchase discounts or rebates are received, the amount of the reduction shall be the amount of the discount or rebate.

(3) Only allowable costs shall be recovered under this section. Costs allocable to activities or services which are not included in SNF((~~,~~)) or ICF ((~~or IMR~~)) services (e.g., costs of vending machines, patients' personal laundry, and services specified in chapter 388-86 WAC which are not included in SNF((~~,~~)) or ICF ((~~or IMR~~)) services) are nonallowable costs.

AMENDATORY SECTION (Amending Order 1300, filed 6/1/78)

WAC 388-96-704 PROSPECTIVE REIMBURSEMENT RATES. (1) The department will determine prospective reimbursement rates for SNF((~~,~~)) and ICF ((~~and IMR~~)) services provided to recipients. Each rate represents the contractor's maximum compensation for one patient day of care of a recipient determined by the department to require SNF((~~,~~)) or ICF ((~~or IMR~~)) care.

(2) A contractor may also be assigned an individual prospective rate for a specific recipient determined by the department to require exceptional care.

AMENDATORY SECTION (Amending Order 1300, filed 6/1/78)

WAC 388-96-707 PROGRAM SERVICES NOT COVERED BY THE REIMBURSEMENT RATE. Medical services which are part of the department's medical care program but not included in SNF((~~,~~)) or ICF ((~~or IMR~~)) services are not covered by the prospective reimbursement rate. Payment is made directly to the provider of service in accordance with chapter 388-87 WAC. Items and services covered by the medical care program are listed in chapter 388-86 WAC.

AMENDATORY SECTION (Amending Order 1669, filed 7/15/81)

WAC 388-96-743 PROPERTY COST AREA RATE. Property reimbursement for both leased and owner-operated facilities will not exceed the predicted cost plus one standard deviation of the necessary and ordinary costs of depreciation, and interest, of owner-operated facilities utilizing a multiple regression formula developed by the department, recognizing factors which may be significant, including location, age, and construction type of facility. Beginning July 1, 1981, rental costs of leased facilities ((~~other than those operating as intermediate care facilities for the mentally retarded,~~)) and depreciation and interest costs of owner-operated facilities, for leases or mortgages entered into prior to July 1, 1979, will be reimbursed to the extent they do not exceed the reimbursement rate payable for the property cost center as of June 30, 1979, or July 1, 1979, whichever is higher, adjusted to meet any discrepancies as determined by the federal government between the reimbursements made and the approved state medicaid plan, and adjusted for any approved capitalized additions or replacements((~~; except that, any leased facility which has operated as an intermediate care facility for the mentally retarded prior to July 1, 1979, will be reimbursed to the extent that the property costs exceed the upper limit of the multiple regression formula~~)).

AMENDATORY SECTION (Amending Order 1300, filed 6/1/78)

WAC 388-96-763 RATES FOR RECIPIENTS REQUIRING EXCEPTIONALLY HEAVY CARE. (1) A contractor certified to care for SNF ((~~or IMR~~)) patients may apply for an individual prospective reimbursement rate for a recipient whose special nursing and direct care-related service needs are such that the cost of care will be at least twice the contractor's current reimbursement rate.

(2) Application for an individual rate for an exceptionally heavy care recipient shall be made in accordance with instructions furnished by the department.

(3) An individual rate for an exceptionally heavy care recipient will be granted for a specified period of time, subject to extension, revision, or termination depending on the recipient's care requirements at the end of such period. It will be computed to cover the projected actual costs of care of the recipient.

(4) The contractor will be informed in writing of the disposition of its application as soon as possible and in no case longer than thirty days following receipt of a properly completed application.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-807 CHARGES TO PATIENTS. (1) The department will notify a contractor of the amount each medical care recipient is required to pay for care provided under the contract and the effective date of such required contribution. It is the contractor's responsibility to collect that portion of the cost of care from the patient, and to account for any authorized reduction from his or her contribution in accordance with procedures established by the department.

(2) If a contractor receives documentation showing a change in the income or resources of a recipient which will mean a change in his or her contribution toward the cost of care, this shall be reported in writing to the ((~~ESSO~~)) CSO within seventy-two hours. If necessary, appropriate corrections shall be made in the next nursing home statement, and a copy of documentation supporting the change shall be attached. If increased funds for a recipient are received by a contractor, the normal amount shall be allowed for clothing, personal and incidental expense, and the balance applied to the cost of care.

(3) The contractor shall accept the reimbursement rate established by the department as full compensation

for all services it is obligated to provide under the contract. It shall not seek or accept additional compensation from or on behalf of a recipient for any or all such services.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-901 DISPUTES. (1) If a reimbursement rate issued to a contractor is believed to be incorrect because it is based on errors or omissions by the contractor or department, the contractor may request an adjustment pursuant to WAC 388-96-769. Pursuant to WAC 388-96-904(1) a contractor may within thirty days request an administrative review after notification of an adjustment or refusal to adjust.

((~~(1)~~)) (2) If a contractor wishes to contest the way in which a rule, contract provision, or policy statement relating to the prospective cost-related reimbursement system was applied to the contractor by the department, e.g., in setting a reimbursement rate or determining a disallowance at audit, it shall first pursue the administrative review process set out in WAC 388-96-904.

((~~(2)~~)) (3) The administrative review and fair hearing process set out in WAC 388-96-904 need not be exhausted if a contractor wishes to challenge the legal validity of a statute, rule, contract provision or policy statement.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-904 ADMINISTRATIVE REVIEW PROCESS. (1) Within thirty days after a contractor is notified of an action or determination it wishes to challenge, it shall request in writing that the ((~~chief, office~~)) director, bureau of nursing home affairs or his or her designee ((~~(chief, ONHA)~~)) (director, BNHA) review such determination. The request shall be signed by the contractor or the licensed administrator of the facility, shall identify the challenged determination and the date thereof, and shall state as specifically as practicable the issues and regulations involved and the grounds for its contention that the determination ((~~was~~)) is erroneous. Copies of any documentation on which the contractor intends to rely to support its position shall be included with the request.

(2) After receiving a timely request meeting the ((~~above~~)) criteria of this section, the ((~~chief, ONHA~~)) department will contact the contractor to schedule a conference for the earliest mutually convenient time. The conference shall be scheduled for no later than thirty days after a properly completed request is received unless both parties agree in writing to a specific later date. The conference may be conducted by telephone unless either the department or the contractor requests in writing that the conference be held in person.

(3) The contractor and appropriate representatives of the department shall ((~~attend~~)) participate in the conference. In addition, representatives selected by the contractor may ((~~attend and~~)) participate. The contractor shall bring to the conference, or provide to the department in advance of the conference, any documentation requested by the department which the contractor is required to maintain for audit purposes pursuant to WAC 388-96-113 and any documentation on which it intends to rely to support its contentions. The parties shall clarify and attempt to resolve the issues at the conference. If additional documentation is needed to resolve the issues, a second session of the conference shall be scheduled for not later than thirty days after the initial session unless both parties agree in writing to a specific later date.

(4) ((~~Unless informal~~)) Regardless of whether agreement has been reached at the conference, a written decision by the ((~~chief, ONHA~~)) director, BNHA or his or her designee will be furnished to the contractor within sixty days after the conclusion of the conference.

(5) If the contractor desires review of an adverse decision of the ((~~chief~~)) director, ((~~ONHA~~)) BNHA, or his or her designee, it shall within thirty days following receipt of such decision request a fair hearing in writing in accordance with the administrative procedure act, chapter 34.04 RCW.

AMENDATORY SECTION (Amending Order 1808, filed 5/14/82)

WAC 388-96-585 UNALLOWABLE COSTS. (1) Costs will be unallowable if not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) Unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the medical care program. Costs of nonprogram items or services will be unallowable even if indirectly reimbursed by the department as the result of an authorized reduction in patient contribution.

(b) Costs of services and items provided to SNF((~~,~~)) or ICF ((~~or IMR~~)) recipients which are covered by the department's medical care program but not included in SNF((~~,~~)) or ICF ((~~or IMR~~)) services respectively. Items and services covered by the medical care program are listed in chapter 388-88 WAC.

(c) Costs associated with a capital expenditure subject to Section 1122 approval (Part 100, Title 42 C.F.R.) if the department found the capital expenditure was not consistent with applicable standards, criteria or plans. If the department was not given timely notice of a proposed capital expenditure, all associated costs will be nonallowable as of the date the costs are determined not to be reimbursable under applicable federal regulations.

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained.

(e) Costs of outside activities (e.g., costs allocable to the use of a vehicle for personal purposes, or related to the part of a facility leased out for office space).

(f) Salaries or other compensation of officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care.

(g) Costs in excess of limits or violating principles set forth in this chapter.

(h) Costs resulting from transactions or the application of accounting methods circumventing the principles of the prospective cost-related reimbursement system.

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities or supplies purchased elsewhere.

(j) Bad debts.

(k) Charity and courtesy allowances.

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations.

(m) Vending machine expenses.

(n) Expenses for barber or beautician services not included in routine care.

(o) Funeral and burial expenses.

(p) Costs of gift shop operations and inventory.

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except items used in patient activity programs ((~~or in IMR programs~~)) where clothing is a part of routine care.

(r) Fund-raising expenses, except expenses directly related to the patient activity program.

(s) Penalties and fines.

(t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations.

(u) Federal, state, and other income taxes.

(v) Costs of special care services except where authorized by the department.

(w) Expenses of key-man insurance and other insurance or retirement plans not in fact made available to all employees.

(x) Expenses of profit-sharing plans.

(y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care.

(z) Personal expenses and allowances of owners or relatives.

(aa) All expenses of maintaining professional licenses or membership in professional organizations.

(bb) Costs related to agreements not to compete.

(cc) Goodwill and amortization of goodwill.

(dd) Expense related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care.

(ee) Legal and consultant fees in connection with a fair hearing against the department where a decision is rendered in favor of the department or where otherwise the determination of the department stands.

(ff) Legal and consultant fees in connection with a lawsuit against the department.

(gg) Lease acquisition costs and other intangibles not related to patient care.

(hh) Interest charges assessed by the state of Washington for failure to make timely refund of overpayments and interest expenses incurred for loans obtained to make such refunds.

WSR 82-22-001
ADOPTED RULES
EASTERN WASHINGTON UNIVERSITY
[Order 82-03—Filed October 21, 1982]

I, Kenneth R. Dolan, Secretary, Board of Trustees of the Eastern Washington University, do promulgate and adopt at Pence Union Building, Council Chambers, the annexed rules relating to the constitution of the associated students of Eastern Washington University, chapter 172-114 WAC.

This action is taken pursuant to Notice No. WSR 82-16-052 filed with the code reviser on July 29, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of the Eastern Washington University as authorized in RCW 28B.35.120.

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED September 23, 1982.

By Kenneth R. Dolan
Secretary, Board of Trustees

AMENDATORY SECTION (Amending Order 12-18-80, filed 1/9/81)

WAC 172-114-040 ARTICLE III—COUNCIL. (1) The legislative powers of the ASEWU shall be vested in the ASEWU Council and may not be transferred.

(2) Membership. The members of the ASEWU Council shall consist of nine at-large Council Members, the ASEWU President, the ASEWU Executive Vice President, and the ASEWU Finance Vice President. The voting membership of the ASEWU Council shall consist of the Executive Vice President and nine Council Members, elected by numbered, at-large positions for one year. The Council Members shall take office on the last day of the quarter in which they are elected, as follows: Positions 1 through 3 elected fall quarter, positions 4 through 6 elected winter quarter, positions 7 through 9 elected spring quarter. No person shall hold more than one elected position on the Council. The ASEWU President and ASEWU Finance Vice President shall have all Council membership rights excluding voting.

(3) Meetings. The ASEWU Council shall meet not less than four times during each quarter (excluding summer quarter), and special meetings may be called by the ASEWU Executive Vice President, by one-third of the Council Members, or by a presentation of a petition to the ASEWU Council signed by five percent of the

ASEWU. All meetings shall be open to the public. A record shall be kept of the votes taken therein, and copies of the minutes shall be available to any member of the university community upon request.

(a) Quorum. The ASEWU Council meetings shall have quorum being a majority of the ASEWU Council Members.

(b) Proxy Voting. There shall be no proxy voting.

(4) Legislation. All legislation shall include: The names of the sponsor(s); date of introduction; committee referred to, if any, disposition and date of disposition; signature of the ASEWU Executive Vice President and the ASEWU President, or override of his/her veto by the ASEWU Council; and shall continue in effect until five years from the last date of signature, an override, or until rescinded.

(5) Council Powers and Duties. The ASEWU Council shall have the following policies and duties:

(a) The ASEWU Council shall enforce this Constitution.

(b) The ASEWU Council shall serve as the official representative of ASEWU.

(c) The ASEWU Council shall enact all legislation necessary to ensure that its policies are enforced.

(d) The budgeting authority of the ASEWU shall be vested in the ASEWU Council and may not be transferred.

(i) The budget shall include all funds, revenues, and reserves; shall be divided into programs, subprograms, and objects of expense and shall include supporting data; shall indicate as to each program, subprogram, or object of expense the actual expenditures of the preceding year; and shall include any proposed capital improvement program for the next six fiscal years.

(ii) Regular budgets shall be those budgets adopted during Spring quarter for the following fiscal year. Supplemental budgets shall be all other budget requests made throughout the year. Copies of the budgets shall be delivered to each member of the ASEWU Council and be available to any member of the University community upon request.

(iii) Unless otherwise provided by the appropriation legislation, all unexpended and unencumbered appropriations in the current expense appropriation legislation shall lapse at the end of the fiscal year. An appropriation in the capital budget appropriation legislation shall lapse when the project has been completed or abandoned or when no expenditure or encumbrance has been made for three years.

(iv) Any expenditure in excess of an appropriation shall be null and void; and any official, agent, or employee knowingly responsible shall be personally liable to anyone damaged by this action; providing the ASEWU Council may permit the ASEWU to enter into contracts requiring the payment of funds from appropriation of subsequent fiscal years.

(v) The ASEWU Council shall publish an annual Financial Statement summarizing the regular ASEWU budget.

(vi) The ASEWU Council may request an annual audit, provided it budgets for the same.

(e) By a two-thirds vote of the ASEWU Council, the ASEWU Council may override a veto by the ASEWU President.

(f) The ASEWU Council shall be responsible for its own organization in the establishment and election of subcommittees and their membership. No ASEWU Council subcommittee, having legislation referred to it, shall have the authority to delay presentation to the full Council for more than two meetings without the permission of the sponsor.

(g) The ASEWU Council shall be responsible for the employment of those employees it deems necessary to assist the Council in the exercise of their Council duties and powers, provided it budgets for the same. The appointment for such employment, presented by the ASEWU Executive Vice President, shall receive the advice and consent of the ASEWU Council.

(h) Committees. The ASEWU Council shall be responsible for student representation on all University Committees, councils of the Academic Senate and their subcommittees, and ASEWU Committees.

(i) Appointment to such committees, presented by the ASEWU President, shall receive the advice and consent of the ASEWU Council.

(ii) Students appointed to these committees shall serve at the discretion of the ASEWU Council.

(iii) All student appointments to these committees shall serve one year terms, beginning on the date of confirmation of the appointment and shall terminate one year after that appointment, unless otherwise specified in the committee structure.

(iv) Committees or committee chairpersons shall submit to the ASEWU a copy of all agendas and minutes.

(v) The ASEWU Council shall publish the ASEWU Committee Manual stating the membership, eligibility, purpose, and duties of all committees with student representation.

(i) Election returns. The ASEWU Council shall be the judge of all the ASEWU election returns and of the qualifications of its membership as prescribed in Article IV of this Constitution.

(j) ASEWU Council positions shall be declared vacant:

(i) When ASEWU Council Members miss three full, regularly scheduled, consecutive meetings, or four regularly scheduled meetings during a quarter.

(ii) When ASEWU Council Members violate academic qualifications as described in Article IV of this Constitution.

(iii) Upon the incumbent's death, resignation, recall, or withdrawal from membership in ASEWU (excluding summer quarter).

(iv) By declaration of nonperformance of duties stated in this Constitution by the ASEWU Superior Court.

(k) Chairperson Pro Tem. The ASEWU Council shall elect an ASEWU at-large Council Member to the position of Chairperson Pro Tem the second meeting of fall, winter, and spring quarters, who shall serve one quarter (excluding summer quarter). Vacancies occurring in the Chairperson Pro Tem's office shall be filled in the same manner for the balance of the unexpired term.

(6) ASEWU President. The ASEWU President, serving as an ASEWU Council Member, shall act as the chief officer and representative spokesperson on behalf of the ASEWU Council.

(a) The ASEWU President shall be responsible for executing Council and Judicial decisions.

(b) The ASEWU President may veto any legislative bill or supplemental budget passed by the ASEWU Council within three working days of passage, shall sign all legislation within three working days of passage, or override of veto by the ASEWU Council.

(c) The ASEWU President may create cabinet positions and appoint cabinet officers with the advice and consent of the ASEWU Council, who shall serve at his/her discretion, provided it budgets for the same.

(d) The ASEWU President shall make appointments in an expeditious manner, with the advice and consent of the ASEWU Council.

(e) The ASEWU President shall hold twice-a-month staff meetings with the ASEWU Executive Vice President, ASEWU Finance Vice President, Provost for Student Service, ASEWU Business Manager, and Coordinator of Student Activities.

(f) The ASEWU President or his/her designee shall supervise all ASEWU elections and shall be responsible for validating all positions.

(7) ASEWU Executive Vice President. The ASEWU Executive Vice President shall chair the ASEWU Council, as a voting member.

(a) The ASEWU Executive Vice President shall assume other duties delegated by the ASEWU President.

(b) The ASEWU Executive Vice President shall prepare the agenda for and chair all meetings of the ASEWU Council; shall call meetings of the ASEWU Council; shall prepare a schedule of all regular meetings for fall, winter, and spring quarters with the advice and consent of the ASEWU Council.

(c) The ASEWU Executive Vice President shall appoint a clerk, with the advice and consent of the ASEWU Council.

(d) The ASEWU Executive Vice President shall be responsible for all administrative matters of the ASEWU Council.

(e) The ASEWU Executive Vice President shall assume the duties of the ASEWU President during the President's absence or disability.

(8) ASEWU Finance Vice President. The ASEWU Finance Vice President shall be member of the ASEWU Council.

(a) ASEWU Finance Vice President shall be responsible for the management of all ASEWU moneys and properties.

(b) ASEWU Finance Vice President shall supervise all expenditures of ASEWU funds.

(c) ASEWU Finance Vice President shall be a voting member and chair the finance subcommittee of the ASEWU Council.

(d) ASEWU Finance Vice President shall present to the Council a published financial statement each month summarizing ASEWU funds for that month.

(e) ASEWU Finance Vice President shall publish an annual budget book summarizing the upcoming year's budget requests and recommendations as well as budget requests and the budgeted amounts for the past five years.

(f) ASEWU Finance Vice President shall assume other duties delegated by the ASEWU President.

(9) Salaries. Elected and appointed members of the ASEWU shall be paid on the following basis.

(a) The ASEWU President shall receive a quarterly (12 month) salary based upon the quarterly cost of in-state tuition, double occupancy room and board, and four hundred dollars.

(b) The ASEWU Executive Vice President and the ASEWU Finance Vice President shall receive a quarterly (9 month) salary based upon the quarterly cost of in-state tuition, double occupancy room and board, and two hundred and fifty dollars.

(c) ASEWU Cabinet members shall receive a quarterly (9 month) salary not to exceed two-thirds of that of the ASEWU Executive Vice President or the ASEWU Finance Vice President.

(d) The ASEWU Council Clerk and other ASEWU Council employees shall receive a quarterly (9 month) salary not to exceed two-thirds of that of the ASEWU Executive Vice President or the ASEWU Finance Vice President.

(e) The ASEWU at-large Council Members may receive a quarterly salary not to exceed the in-state tuition rate, provided it budgets for the same.

(10) Vacancies.

(a) The positions of ASEWU Council Members, ASEWU President, ASEWU Executive Vice President, ASEWU Finance Vice President shall become vacant upon the incumbent's death, resignation, recall, withdrawal from membership in ASEWU (excluding summer quarter for the ASEWU Executive Vice President, ASEWU Finance Vice President, and ASEWU Council Members), or declaration of nonperformance of duties stated in this Constitution by the ASEWU Superior Court.

(b) In the case of a vacancy in the office of the ASEWU President, the ASEWU Executive Vice President shall assume the office of the ASEWU President to serve with full authority and power for the remainder of the unexpired term.

(c) In the case of a vacancy in the office of the ASEWU Executive Vice President, the Council Pro Tem shall assume the office of the ASEWU Executive Vice President to serve with full authority and power for the remainder of the unexpired term.

(d) In the case of a vacancy in office of the ASEWU Finance Vice President, the ASEWU President shall appoint, with the advice and consent of the ASEWU Council, an ASEWU member to assume the office of ASEWU Finance Vice President to serve with full authority and power until the next regularly scheduled election, at which time a member of ASEWU shall be elected to serve the balance of the term.

(e) In the case of a vacancy of a Council position, ((~~a member of the ASEWU shall be elected at the next regularly scheduled election to serve for the balance of that term~~)) the ASEWU President may recommend a member of ASEWU to fill the vacant position with a

3/4 (three-fourths) vote approval by the ASEWU Council. The appointee shall take office immediately upon approval of the ASEWU Council, and serve until the regularly scheduled election.

(11) Terms.

(a) The terms of the ASEWU President and the ASEWU Executive Vice President shall be for one year and shall be elected winter quarter and take office the last day of winter quarter.

(b) The term of the ASEWU Finance Vice President shall be for one academic year and one quarter (excluding summer quarter), taking office the last day of winter quarter to the last day of spring quarter. During the overlapping terms of the outgoing and incoming of the ASEWU Finance Vice President, it shall be the duty of the incumbent ASEWU Finance Vice President to prepare and present a proposed budget for ASEWU to the ASEWU Council. The incoming ASEWU Finance Vice President shall have no authority or power to execute transactions during this overlapping period. It shall be the duty of the incumbent ASEWU Financial Vice President to serve as chair of the Finance Subcommittee of the ASEWU Council. The incoming ASEWU Finance Vice President shall serve as a member of the ASEWU Council and the Finance Subcommittee of the ASEWU Council.

WSR 82-22-002
EMERGENCY RULES
DEPARTMENT OF GAME
(Game Commission)

[Order 179—Filed October 21, 1982]

Be it resolved by the Game Commission of the state of Washington, that we, the Game Commission, promulgate and adopt, at Okanogan, Washington, as emergency rule of this governing body, the annexed rule relating to the amending of the official hunting hours time table in the 1982-83 upland game bird and migratory waterfowl seasons pamphlet, and the 1982 hunting seasons and rules pamphlet, WAC 232-28-40502.

We, the Game Commission, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of facts constituting such emergency is this order is an emergency because the previously published pamphlets were erroneously printed to reflect incorrect hunting hours from October 24, 1982, to October 31, 1982.

This rule is promulgated under the authority of the Game Commission as authorized in RCW 77.12.150.

The undersigned chairman hereby declares that the Game Commission has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), or the Administrative Procedure Act (chapter 34.04 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order, after being first recorded in the order register of this governing body, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED October 4, 1982.

By Archie U. Mills
Chairman, Game Commission

NEW SECTION

WAC 232-28-40502 AMEND THE OFFICIAL HUNTING HOURS TIME TABLE IN THE 1982-83 UPLAND GAME BIRD AND MIGRATORY WATERFOWL SEASONS PAMPHLET, AND THE 1982 HUNTING SEASONS AND RULES PAMPHLET. The official hunting hours as set forth in WAC 232-28-205 and WAC 232-28-405 are hereby amended as follows.

OFFICIAL HUNTING HOURS

September 1, 1982 to January 31, 1983

Dates Inclusive				Western Washington from A.M.	Western Washington to P.M.	Eastern Washington from A.M.	Eastern Washington to P.M.
Wed.	Sept. 1	– Sun.	Sept. 5	6:00	7:45	5:50	7:35
Mon.	Sept. 6	– Sun.	Sept. 12	6:10	7:35	5:55	7:25
Mon.	Sept. 13	– Sun.	Sept. 19	6:15	7:20	6:05	7:10
Mon.	Sept. 20	– Sun.	Sept. 26	6:25	7:05	6:15	6:55
Mon.	Sept. 27	– Sun.	Oct. 3	6:35	6:50	6:25	6:40
Mon.	Oct. 4	– Fri.	Oct. 8	6:45	6:40	6:30	6:25
Opening	Sat.						

Dates Inclusive						Western Washington from to A.M.	P.M.	Eastern Washington from to A.M.	P.M.
Weekend	*Oct.*	*9*	*Sun.*	*Oct.*	*10*	*6:50*	*6:30*	*6:40*	*6:20*
Mon.	*Oct.*	*11*	*Sun.*	*Oct.*	*17*	*6:55*	*6:25*	*6:45*	*6:10*
Mon.	*Oct.*	*18*	*Sat.*	*Oct.*	*24*	*7:05*	*6:10*	*6:55*	*6:00*
Mon.	*Oct.*	*25*	*Sat.*	*Oct.*	*30*	*7:15*	*6:00*	*7:05*	*5:50*
							Daylight Saving Time		
							Pacific Standard Time		
Sun.	*Oct.*	*31*				*6:21*	*4:54*	*6:09*	*4:42*
Mon.	*Nov.*	*1*	*Sun.*	*Nov.*	*7*	*6:30*	*4:50*	*6:15*	*4:35*
Mon.	*Nov.*	*8*	*Sun.*	*Nov.*	*14*	*6:40*	*4:40*	*6:25*	*4:35*
Mon.	*Nov.*	*15*	*Sun.*	*Nov.*	*21*	*6:50*	*4:30*	*6:35*	*4:25*
Mon.	*Nov.*	*22*	*Sun.*	*Nov.*	*28*	*7:00*	*4:25*	*6:45*	*4:10*
Mon.	*Nov.*	*29*	*Sun.*	*Dec.*	*5*	*7:05*	*4:20*	*6:55*	*4:10*
Mon.	*Dec.*	*6*	*Sun.*	*Dec.*	*12*	*7:15*	*4:20*	*7:05*	*4:05*
Mon.	*Dec.*	*13*	*Sun.*	*Dec.*	*19*	*7:20*	*4:20*	*7:10*	*4:05*
Mon.	*Dec.*	*20*	*Sun.*	*Dec.*	*26*	*7:25*	*4:20*	*7:15*	*4:10*
Mon.	*Dec.*	*27*	*Sun.*	*Jan.*	*2*	*7:25*	*4:25*	*7:15*	*4:15*
Mon.	*Jan.*	*3*	*Sun.*	*Jan.*	*9*	*7:25*	*4:35*	*7:15*	*4:20*
Mon.	*Jan.*	*10*	*Sun.*	*Jan.*	*16*	*7:25*	*4:40*	*7:15*	*4:30*
Mon.	*Jan.*	*17*	*Sun.*	*Jan.*	*23*	*7:20*	*4:50*	*7:10*	*4:40*
Mon.	*Jan.*	*24*	*Sun.*	*Jan.*	*30*	*7:10*	*5:00*	*7:00*	*4:50*
Mon.	*Jan.*	*31*				*7:10*	*5:10*	*6:55*	*4:50*

WSR 82-22-003
EMERGENCY RULES
DEPARTMENT OF GAME
(Game Commission)

[Order 180—Filed October 21, 1982]

Be it resolved by a majority of the Game Commission of the state of Washington, that we, the Game Commission, promulgate and adopt at Okanogan, Washington, as emergency rule of this governing body, the annexed rule relating to closure of Chambers Bay, Chambers Creek and tributaries to the taking of steelhead trout, WAC 232-28-60419.

We, the Game Commission, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of facts constituting such emergency is the Chambers Creek run of steelhead trout is the primary broodstock source of winter-run steelhead for the Washington Department of Game in the Puget Sound region. A weir and major hatchery facility located on Chambers Creek make this an ideal location to take eggs. Recently, the steelhead run into Chambers Creek has been depressed and has supplied as little as one-third of the fish necessary to meet egg-taking goals. Steelhead begin entering the Chambers Creek trap in mid- to late-November and arrive in nearby marine and estuary waters somewhat earlier. All adults are needed for broodstock capture and should be protected. Chambers Creek is presently closed from December 1 to late May. Such rule is therefore adopted as an emergency rule.

This rule is promulgated under the authority of the Game Commission as authorized in RCW 77.12.150.

The undersigned chairman hereby declares that the Game Commission has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), or the Administrative Procedure Act (chapter 34.08 RCW)[(chapter 34.04 RCW)], as appropriate, and the State Register Act (chapter 34.08 RCW).

This order, after being first recorded in the order register of this governing body, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED October 4, 1982.

By Archie U. Mills
Chairman, Game Commission

NEW SECTION

WAC 232-28-60419 CLOSURE OF CHAMBERS BAY, CHAMBERS CREEK AND TRIBUTARIES TO THE TAKING OF STEELHEAD TROUT. It shall be unlawful for any person to take, fish for by any means, or to possess steelhead trout taken from Chambers Creek, Chambers Bay and all waters inside a line from Gordon Point in Steilacoom to the dock at Pioneer gravel pit (second gravel pit approximately 1.2 miles north of Chambers Bay) effective midnight October 31, 1982.

WSR 82-22-004
ADOPTED RULES
STATE PATROL
[Order 82-6—Filed October 21, 1982]

I, Neil W. Moloney, director of the Washington State Patrol, do promulgate and adopt at General Administration Building, Olympia, Washington 98504, the annexed rules relating to this order amends several sections of chapter 446-40 WAC, Washington State Patrol Disability Retirements, relating to the composition of the Disability Retirement Board and conduct of disability hearings. The amended rules provide the chief shall be included as one of the four members of the board; shall be the presiding officer and make all necessary rulings at hearings, but shall not participate in deliberations, or making of findings and recommendations. The chief shall review the findings, exceptions, and recommendations. WAC 446-40-100 is amended to correct a statutory reference from RCW 34.04.090(4) to 39.04.090(5).

This action is taken pursuant to Notice No. WSR 82-17-023 filed with the code reviser on August 10, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.43.040 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED October 20, 1982.

By Neil W. Moloney
Chief

AMENDATORY SECTION (Amending Order 81-1, filed 2/3/81)

WAC 446-40-070 THE BOARD—RESPONSIBILITIES AND FUNCTIONS. (1) The board shall consist of ((~~four~~)) the chief and three members appointed by the chief, ((~~three~~)) two of whom shall be appointed annually ((~~and one of the three shall be appointed as chairperson~~)). The chief shall be the presiding officer and shall make all necessary rulings in the course of the hearing, but shall not participate in the deliberations or preparation of findings and recommendations by the board. The ((~~fourth~~)) third member shall be appointed each time the board is convened and shall be of the same rank as the member whose case the board is hearing.

(2) The board shall inquire into all pertinent matters relating to the disability retirement questions before the board.

(3) The board shall obtain and review reports or testimony of mental or physical examinations of the member and shall advise the chief whether, in its opinion, the member is mentally or physically capable of continuing in active service or of resuming active service.

(4) When reviewing the case of a member in disability retirement status, the board shall recommend whether disability retirement should be continued or whether the member shall be directed to return to active duty.

(5) When reviewing an application by a member or the personnel officer for disability retirement status, the board shall recommend whether the chief should deny or grant the application.

(6) When the board recommends that a member presently in disability retirement status should return to active duty, or that a request for disability retirement should be denied, the board shall also make findings based on the evidence before it whether the member is physically or mentally capable of performing any specific assignment while on active duty. Where the board finds the member has a physical or mental impairment or disability, it shall describe such impairment or disability and the expected duration thereof, and shall recommend specific job assignments within the department which the member is mentally and physically capable of performing in his/her present condition.

(7) When the board recommends that the application for disability retirement status should be granted, it shall also determine whether the departmental member was injured or incapacitated while in the performance of his/her official duties or while on standby or available for duty.

AMENDATORY SECTION (Amending Order 4, filed 2/27/76)

WAC 446-40-100 DUTIES OF BOARD FOLLOWING HEARING. In all cases, the board shall prepare a record of the hearing as described in RCW ((~~34.34.090(4) [34.04.090(4)]~~)) 34.04.090 (5). All oral testimony before the board shall be taped. The tapes shall be part of the record. Such record shall be presented to the chief within fourteen ((~~(14)~~)) days following the conclusion of the board's hearing. A copy of the record shall be delivered to the member within fourteen ((~~(14)~~)) days following the conclusion of the board's hearings.

AMENDATORY SECTION (Amending Order 4, filed 2/27/76)

WAC 446-40-110 DECISION BY THE CHIEF. (1) The chief shall review the record if he has not heard the evidence, and in all cases shall review the findings, exceptions and recommendations of the other members of the board, and decide on the basis of this material and upon no other basis or prior action whether the member shall or shall not be placed in or removed from disability retirement status. The chief may order the hearing reopened in the event he finds it necessary to do so to make a decision and he shall inform the board what additional inquiry is required. The board's supplemental action, if any, shall be made in the manner set out in WAC 446-40-070 through ((~~WAC~~)) 446-40-100.

(2) In accordance with RCW 34.04.110, prior to making a final decision which is adverse to the member, the chief, if he has not heard or read the evidence, shall cause to be served on the member a proposal for decision, including findings of fact and conclusions of law,

and shall afford the member an opportunity to file exceptions and present written arguments to the chief, who shall personally consider the whole record or such portions thereof as may be cited by the member. Such exceptions and arguments shall be filed with the office of the chief within twenty ((~~(20)~~)) days of receipt of the proposal for decision. The chief may grant additional time for filing upon good cause shown. In his discretion, the chief may allow oral arguments in support of the exceptions.

WSR 82-22-005
PROPOSED RULES
DEPARTMENT OF LICENSING
(Dental Disciplinary Board)
[Filed October 21, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Dental Disciplinary Board intends to adopt, amend, or repeal rules concerning inventory and recording requirements for all prescription drugs, WAC 308-37-130 and recording requirement for scheduled drugs, WAC 308-37-135. A copy of the proposed amendments and rule is shown below, however, changes may be made at the hearing;

that the agency will at 1:30 p.m., Friday, January 14, 1983, in the Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.32.640.

The specific statute these rules are intended to implement is RCW 18.32.640(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 14, 1983.

Dated: October 21, 1982
By: Susan E. Shoblom
Executive Secretary

STATEMENT OF PURPOSE

Name of Agency: Washington State Dental Disciplinary Board.

Purpose of Proposed Amendments and Rule: To clarify the purpose of WAC 308-37-130 and eliminate unnecessary record keeping, and to ensure that adequate record keeping is maintained regarding scheduled drugs.

Statutory Authority: RCW 18.32.640.

Summary of Rules: WAC 308-37-130 Recording Requirements for all Prescription Drugs and WAC 308-37-135 Recording Requirements for Scheduled Drugs.

Reason for Proposed Amendments and Rule: To state the board's concern regarding controlled drugs dispensed by licensees and to assist in investigative efforts relating to such.

Responsible Personnel: The Washington State Dental Disciplinary Board and its executive secretary have the responsibility for drafting, implementing and enforcing these rules. The executive secretary is: Susan E. Shoblom, P.O. Box 9649, Olympia, WA 98504, telephone (206) 235-1867 (Scan), (206) 754-1867 (Comm).

Proponents of the Proposed Amendments: The amendment and rule were proposed by the Washington State Dental Association and the Dental Disciplinary Board.

Agency Comments: The amendment and rule were proposed pursuant to RCW 34.04.060 and 18.32.640.

Federal Law or State Court Requirements: The proposed amendments and rule are not necessitated as a result of federal law or federal or state court action.

AMENDATORY SECTION (Amending Order PL 373, filed 2/20/81)

WAC 308-37-130 ((~~INVENTORY AND~~)) RECORDING REQUIREMENTS FOR ALL PRESCRIPTION DRUGS. ((~~Every dentist shall maintain an inventory of all legend drugs and controlled substances that he or she has prescribed or dispensed. This inventory shall include the date prescribed or the date dispensed, the name of the patient prescribed or dispensed to, the name of the medication, and the dosage and amount of the medication prescribed or dispensed.~~)) An accurate record of any medications prescribed or dispensed will be clearly indicated on the patient history. This record shall include the date prescribed or the date dispensed, the name of the patient prescribed or dispensed to, the name of the medication, and the dosage and amount of the medication prescribed or dispensed.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 308-37-135 RECORDING REQUIREMENT FOR SCHEDULED DRUGS. When schedule II, III, IV or V drugs are stocked by the dental office for dispensing to patients, an inventory control record must be kept in such a manner as to identify disposition of such medicines and such records shall be available for inspection.

WSR 82-22-006
ADOPTED RULES
STATE PATROL
[Order 82-5—Filed October 22, 1982]

I, Neil W. Moloney, director of the Washington State Patrol, do promulgate and adopt at General Administration Building, Olympia, Washington 98504, the annexed rules relating to this order add several new sections to chapter 446-20 WAC, Washington State Patrol Criminal Records. Pursuant to chapter 202, Laws of 1982, the agency must furnish transcripts of conviction records to private employers and prospective employers, for specified purposes, upon written request. These rules implement the new law, prescribing the procedure for making these requests, certification of compliance with the statute, fees, privacy and security requirements for record maintenance and requirements for audit of the record keeping system.

This action is taken pursuant to Notice No. WSR 82-18-007 filed with the code reviser on August 19, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to section 1(7), chapter 202, Laws of 1982 which directs that the Washington State Patrol has authority to implement the provisions of chapter 202, Laws of 1982.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED October 20, 1982.

By Neil W. Moloney
Chief

Chapter 446-20 WAC
EMPLOYMENT—CONVICTION RECORDS

NEW SECTION

WAC 446-20-280 EMPLOYMENT—CONVICTION RECORDS. (1) A transcript of a conviction record will be furnished consistent with the provisions of chapter 202, Laws of 1982, upon the submission of a written request of any employer, accompanied by fingerprints and other identifying data of the employee or prospective employee.

(2) Fingerprints shall be submitted on cards of the type specified by the identification section, and shall contain a certification by the employer that the information is being disseminated to and will be available only to persons involved in the hiring, background investigation, or job assignment of the person whose record is disseminated, that the record will be used only as necessary for the purposes enumerated in this section, and that the request for conviction data is for one of the following purposes:

(a) Securing a bond required for any employment;

(b) Conducting preemployment and postemployment evaluations of employees and prospective employees who, in the course of employment, may have access to information affecting national security, trade secrets, confidential or proprietary business information, money, or items of value; or

(c) Assisting an investigation of suspected employee misconduct where such misconduct may also constitute a penal offense under the laws of the United States or any state.

NEW SECTION

WAC 446-20-290 FEES. A nonrefundable fee of ten dollars shall accompany each fingerprint card submitted pursuant to chapter 202, Laws of 1982, unless through prior arrangement an account is authorized and established. The Washington state identification section shall adjust the fee schedule as may be practicable to ensure that direct and indirect costs associated with the provisions of this chapter are recovered.

NEW SECTION

WAC 446-20-300 PRIVACY/SECURITY. All employers or prospective employers receiving conviction records pursuant to chapter 202, Laws of 1982, shall comply with the provisions of WAC 446-20-210 through 446-20-250 relating to privacy and security of the records.

NEW SECTION

WAC 446-20-310 AUDITS. All employers or prospective employers receiving conviction records pursuant to chapter 202, Laws of 1982, shall comply with the provisions of WAC 446-20-260 through 446-20-270 relating to audit of the record keeping system.

WSR 82-22-007
PROPOSED RULES
DEPARTMENT OF TRANSPORTATION
(Division of Aeronautics)

[Filed October 22, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Transportation intends to repeal rules concerning:

Chapter 12-12 WAC
USE OF AIRSPACE WITHOUT PILOTS

Rockets and Missiles

Rep	WAC 12-12-001	Promulgation.
Rep	WAC 12-12-010	Permits required.
Rep	WAC 12-12-020	Exceptions.
Rep	WAC 12-12-030	Construction of order.
Rep	WAC 12-12-040	Adoption of rules and regulations of Washington State Fire Marshal relating to model and experimental rocketry.

Unmanned Gliders and Model Aircraft

Rep	WAC 12-12-101	Promulgation.
Rep	WAC 12-12-110	Where permits required.

Voluntarily Parachuting from Aircraft

Rep	WAC 12-12-150	Voluntary parachuting.

Chapter 12-28 WAC
SPRAYING AND DUSTING BY AIRCRAFT

Rep	WAC 12-28-001	Promulgation.
Rep	WAC 12-28-010	General.
Rep	WAC 12-28-020	Pilots and operation of aircraft.
Rep	WAC 12-28-030	Restrictions as to chemical application.
Rep	WAC 12-28-040	Violations and penalties.
Rep	WAC 12-28-050	Persons excepted from rules.
Rep	WAC 12-28-060	Severability.

Chapter 12-32 WAC
OPERATING RULES FOR SPECIFIC AREAS

Rep	WAC 12-32-001	Lake Washington and Lake Washington Ship Canal—Promulgation.
Rep	WAC 12-32-010	Lake Washington and Lake Washington Ship Canal—Flight and operation rules.

Chapter 12-36 WAC
SPECIFICATIONS FOR DOWNED AIRCRAFT RESCUE TRANSMITTERS

Rep	WAC 12-36-001	Promulgation.
Rep	WAC 12-36-010	Operation.
Rep	WAC 12-36-020	Device quality.
Rep	WAC 12-36-030	Transmission capabilities.
Rep	WAC 12-36-040	Dual frequency requirement;

that the agency will at 10:00 a.m., Monday, December 13, 1982, in the Board Room, 1D 9, Highway

Administration Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 47.01.101(5) and 47.68.210.

Dated: October 22, 1982
By: V. W. Korf
Deputy Secretary

WSR 82-22-008
EMERGENCY RULES
DEPARTMENT OF TRANSPORTATION
(Division of Aeronautics)
[Order 72—Filed October 22, 1982]

I, Duane Berentson, Secretary of the Department of Transportation, do promulgate and adopt at Highway Administration Building, Olympia, Washington, the annexed rules relating to pilot registration rules and fees, chapter 12-18 WAC.

I, Duane Berentson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is that adoption of this rule was erroneously scheduled for enactment by the Transportation Commission, rather than the Secretary of Transportation, as required by RCW 47.01.210. In order to implement the rule by the deadline originally set, so that it will be effective January 1, 1983, it is necessary to adopt this chapter as an emergency rule.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 47.68.233 and 47.68.236 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 22, 1982.
By V. W. Korf
Deputy Secretary

Chapter 12-18 WAC
PILOT REGISTRATION

NEW SECTION

WAC 12-18-001 PROMULGATION. Whereas, it is necessary for the purpose of protecting and insuring the general public interest, and developing and promoting aeronautics in this state to efficiently enforce the laws of the state of Washington relating to the registration of pilots; and

It is essential to the enforcement of such laws that regulations relating to their enforcement be promulgated:

It is hereby ordered under authority of RCW 47.68-.210 and by virtue of the regulatory powers vested in the Washington state transportation commission for and on behalf of the state of Washington that the following sections be implemented.

NEW SECTION

WAC 12-18-010 PILOT REGISTRATION REQUIRED. A pilot who is a resident of this state or who regularly operates in this state shall register with the division of aeronautics prior to January 31st each year. A new resident shall register with the division of aeronautics within sixty days of becoming a resident pilot. This section shall not apply to those persons exempted by RCW 47.68.233. Student pilots shall register not later than the date of their first solo flight.

NEW SECTION

WAC 12-18-020 FEES. A fee of $3.00 per year shall be paid for each pilot registration prior to December 31, 1982. A fee of $5.00 per year shall be paid for each pilot registration after December 31, 1982, without regard to the actual date of registration. Pilot registration fees will be deposited into the search and rescue, safety and education fund created under RCW 47.68.236.

NEW SECTION

WAC 12-18-030 POSSESSION OF REGISTRATION. A pilot who is required to register under this chapter shall carry such registration at all times while exercising the privileges of an airmans certificate issued by the Federal Aviation Administration, and shall present such registration when requested to any law enforcement officer, division of aeronautics personnel or any other person on reasonable demand.

NEW SECTION

WAC 12-18-040 SEMINARS AND CLINICS. The division of aeronautics may require all persons required by this chapter to register as pilots to show proof of registration as a prerequisite to attendance at any seminar or clinic sponsored or conducted by the division of aeronautics and funded by pilot registration fees.

Pilots participating in division of aeronautics flight instructor refresher clinics will be required to show proof of registration prior to receiving credit for the course.

NEW SECTION

WAC 12-18-050 UNLICENSED PILOTS. Pilots who do not possess a valid Federal Aviation Administration airmans certificate and who operate aircraft for which such certificate is not required are nevertheless required to register with the division of aeronautics.

WSR 82-22-009
PROPOSED RULES
DEPARTMENT OF TRANSPORTATION
(Division of Aeronautics)
[Filed October 22, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Transportation intends to adopt, amend, or repeal rules concerning pilot registration rules and fees, chapter 12-18 WAC;

that the agency will at 10:00 a.m., Monday, December 13, 1982, in the Board Room, 1D 9, Highway Administration Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 47.68.210 and 47.01.101.

The specific statute these rules are intended to implement is RCW 47.68.233 and 47.68.236.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 13, 1982.

This notice is connected to and continues the matter in Notice No. WSR 82-18-044 filed with the code reviser's office on August 27, 1982.

Dated: October 22, 1982
By: V. W. Korf
Deputy Secretary

STATEMENT OF PURPOSE

The Division of Aeronautics, through the Washington State Transportation Commission intends to implement the provisions of RCW 47.68.233 by enacting the attached additions to the Washington Administrative Code.

The attached rules were drafted by LeMoine Stitt, Aeronautics Program Specialist, Washington State Division of Aeronautics, 8600 Periemter Road, Seattle, Washington 98108.

The rule was prepared by and at government agency request by the Division of Aeronautics at the address above.

The rule will be enforced by the Department of Transportation, Division of Aeronautics and law enforcement agencies of this state.

This rule requires a payment of a $3.00 fee this year and a $5.00 fee per year in subsequent years by individuals alone. Since this fee is required of all pilots, whether engaged in flying for business or not, and is not a prerequisite to doing business, it does not adversely affect small business as contemplated by the Regulatory Fairness Act.

Chapter 12-18 WAC
PILOT REGISTRATION

NEW SECTION

WAC 12-18-001 PROMULGATION. Whereas, it is necessary for the purpose of protecting and insuring the general public interest, and developing and promoting aeronautics in this state to efficiently enforce the laws of the state of Washington relating to the registration of pilots; and

It is essential to the enforcement of such laws that regulations relating to their enforcement be promulgated:

It is hereby ordered under authority of RCW 47.68.210 and by virtue of the regulatory powers vested in the Washington state transportation commission for and on behalf of the state of Washington that the following sections be implemented.

NEW SECTION

WAC 12-18-010 PILOT REGISTRATION REQUIRED. A pilot who is a resident of this state or who regularly operates in this state shall register with the division of aeronautics prior to January 31st each year. A new resident shall register with the division of aeronautics within sixty days of becoming a resident pilot. This section shall not apply to those persons exempted by RCW 47.68.233. Student pilots shall register not later than the date of their first solo flight.

NEW SECTION

WAC 12-18-020 FEES. A fee of $3.00 per year shall be paid for each pilot registration prior to December 31, 1982. A fee of $5.00 per year shall be paid for each pilot registration after December 31, 1982, without regard to the actual date of registration. Pilot registration fees will be deposited into the search and rescue, safety and education fund created under RCW 47.68.236.

NEW SECTION

WAC 12-18-030 POSSESSION OF REGISTRATION. A pilot who is required to register under this chapter shall carry such registration at all times while exercising the privileges of an airmans certificate issued by the Federal Aviation Administration, and shall present such registration when requested to any law enforcement officer, division of aeronautics personnel or any other person on reasonable demand.

NEW SECTION

WAC 12-18-040 SEMINARS AND CLINICS. The division of aeronautics may require all persons required by this chapter to register as pilots to show proof of registration as a prerequisite to attendance at any seminar or clinic sponsored or conducted by the division of aeronautics and funded by pilot registration fees.

Pilots participating in division of aeronautics flight instructor refresher clinics will be required to show proof of registration prior to receiving credit for the course.

NEW SECTION

WAC 12-18-050 UNLICENSED PILOTS. Pilots who do not possess a valid Federal Aviation Administration airmans certificate and who operate aircraft for which such certificate is not required are nevertheless required to register with the division of aeronautics.

WSR 82-22-010
EMERGENCY RULES
ENERGY FACILITY SITE EVALUATION COUNCIL
[Order 82-2—Filed October 22, 1982]

Be it resolved by this Energy Facility Site Evaluation Council, acting at Olympia, Washington, that it does adopt the annexed rules relating to:

New	WAC 463-40-010	Purpose.
New	WAC 463-40-020	Coverage.
New	WAC 463-40-030	Regulations.
New	WAC 463-40-040	Monitoring and enforcement.

We, the Energy Facility Site Evaluation Council, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of

notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is to meet U.S. Environmental Protection Agency deadline for delegation to state for on-site activities at energy facilities which involve the generation, storage, transportation, treatment or disposal of dangerous wastes.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 80.50.040(1) which directs that the Energy Facility Site Evaluation Council has authority to implement the provisions of chapter 80.50 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 11, 1982.

By William L. Fitch
Executive Secretary

NEW SECTION

WAC 463-40-010 PURPOSE. The Energy Facility Site Evaluation Council, under authority invested in it by chapter 80.50 RCW is charged with the responsibility of adopting rules sufficient to the protection of the public and the environment from the effects of dangerous wastes generated at energy facilities subject to chapter 80.50 RCW.

NEW SECTION

WAC 463-40-020 COVERAGE. The provisions of this chapter shall apply state-wide for those generators of dangerous wastes under the jurisdiction of the Energy Facility Site Evaluation Council.

NEW SECTION

WAC 463-40-030 REGULATIONS. Notwithstanding the provisions of WAC 173-303-801, to the extent of their applicability and appropriateness, the provisions of WAC 173-303 shall apply to the on-site activities, at energy facilities subject to this chapter, which involve the generation, storage, transportation, treatment or disposal of dangerous wastes.

NEW SECTION

WAC 463-40-040 MONITORING AND ENFORCEMENT. The council hereby delegates to the Department of Ecology (DOE) the monitoring activities for dangerous wastes regulated by this chapter under a Certification Agreement. As a result of said monitoring activities, DOE shall report to the council any activity by a permittee which in its judgment requires the initiation of appropriate enforcement activities by the council. The council shall then take or initiate action to enforce the terms of any Certification Agreement. This in no way shall restrict any enforcement by other public agencies and officials under existing law. If DOE determines that immediate action is needed to enforce the Act or any statute or regulations derived therefrom, it shall report immediately to the Chairman who shall initiate such immediate enforcement action as may be necessary. Such action shall remain in effect until confirmed or modified by the council.

Reviser's note: The unnecessary underscoring in the above sections occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

WSR 82-22-011
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-181—Filed October 22, 1982]

I, Rolland A. Schmitten, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitten, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is chinook restrictions in Areas 4B, 5 and 6C no longer required. Restrictions in Areas 6 and 6A provide protection for Puget Sound chum stocks until reliable updates are obtained. Restrictions in Areas 6B, 9, 10 and 11 protect the validity of in season chum updates. Restrictions in Area 7C and the Samish River provide secondary protection for coho and chum returning to the Samish River. Restrictions in Areas 10C, 10D and the Cedar River provide protection for Lake Washington sockeye. Restrictions in the Skagit River provide protection for local spawning salmon stocks. Restrictions in Areas 12A and 12D provide secondary protection for local chum salmon. Restrictions in Area 12C provide protection for chum salmon destined for the Hoodsport Hatchery. Chum management needs prevail in the Stillaguamish, Snohomish and lower Skagit Rivers.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administrative implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 22, 1982.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-28-228 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS Effective October 24, 1982, it is unlawful for treaty Indian fishermen to take, fish for or possess salmon for commercial purposes

in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Areas 6, 6A, 6B, and 9 – Closed to all commercial fishing.

**Area 7C – Closed to all commercial fishing.*

**Areas 10 and 11, excluding that portion south of a line from Dash Point to Point Defiance – Closed to all commercial fishing through 5 PM October 25.*

Area 10C – Closed to all commercial fishing.

**Area 10D – Closed to all commercial fishing in that portion within 250 yards of the eastern and northern shores of Lake Sammamish between the Sammamish River and Issaquah Creek.*

**Areas 12A and 12D – Closed to all commercial fishing.*

**Area 12C – Closed to all commercial fishing within 1,000 feet of the western shore between Hoodsport Marina Dock and Glen Ayr Trailer Park.*

**Cedar River and Samish River – Closed to all commercial fishing.*

**Skagit River upstream of Old Faber Ferry Landing including all tributaries – Closed to all commercial fishing.*

REPEALER

Effective October 24, 1982, the following section of the Washington Administrative Code is repealed:

WAC 220-28-227 PUGET SOUND COMMERCIAL FISHING RESTRICTIONS (82-178)

WSR 82-22-012
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-182—Filed October 22, 1982]

I, Rolland A. Schmitten, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitten, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is all citizen fishery openings allow continued harvest of non-Indian allocation of harvestable coho and chum salmon surpluses. All other Puget Sound areas are closed to all citizen commercial fishing to prevent overharvest of salmon stocks or to protect the integrity of in-season run size updates.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 22, 1982.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-47-717 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice it is unlawful to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Areas 4B, 5, 6, 6A, 6B, and 6C – Closed.

**Area 6D – Closed except gill nets using 5" minimum mesh may fish 24 hours/day, 7 days/week, through 9 AM October 30, and purse seines may fish 5 AM to 9 PM through October 30.*

**Areas 7 and 7A – Closed to all commercial fishing except reef nets may fish from 5 AM to 9 PM October 25 and 26; gill nets using 6" minimum mesh may fish from 5 PM to 9 AM nightly October 25 through the morning of October 27; and purse seines may fish from 5 AM to 9 PM October 26 and 27.*

**Area 7B – Closed except gill nets using 5" minimum mesh may fish from 5 PM to 9 AM nightly through the morning of October 23, in that portion south of a line from Point Frances to Post Point. Gill nets may fish 24 hours per day in that portion north of a line from Point Frances to Post Point through 9 AM October 23. Purse seines may fish from 5 AM to 9 PM daily through October 23. Effective October 24, closed except gill nets using 6" minimum mesh may fish from 5 PM October 25 to 9 AM October 26, and purse seines may fish from 5 AM to 9 PM October 26.*

Area 7C – Closed except gill nets using 5" minimum mesh may fish 5 PM to 9 AM daily through the morning of October 23, and purse seines may fish 5 AM to 9 PM daily through October 23 in that portion west of a line from the fishing boundary marker on Samish Island to the flashing light near Whiskey Rock. Waters easterly of the line remain closed.

**Area 8 – Closed except gill nets using 6" minimum mesh may fish from 5 PM October 25 to 9 AM October 26, and purse seines using the 5" strip may fish from 5 AM to 9 PM October 26.*

**Area 8A – Closed except gill nets using 6" minimum mesh may fish from 5 PM October 25 to 9 AM October 26, and purse seines using the 5" strip may fish from 5 AM to 9 PM October 26.*
**Area 10 west of a line from Meadow Point to West Point – Closed except gill nets using 6" minimum mesh may fish from 5 PM October 25 to 9 AM October 26, and purse seines using the 5" strip may fish from 5 AM to 9 PM October 26.*
**Area 11 excluding those waters southerly of a line from Browns Point to the northernmost point of land on Point Defiance – Closed except gill nets using 6" minimum mesh may fish from 5 PM October 25 to 9 AM October 26, and purse seines using the 5" strip may fish from 5 AM to 9 PM October 26.*
**Area 12 – Closed except gill nets using 6" minimum mesh may fish 5 PM October 25 to 9 AM October 26, and purse seines using the 5" strip may fish 5 AM to 9 PM October 26. That portion of Area 12 inside and southeasterly of a line projected from Lone Rock to buoy "BBC Comm Fish" approximately 1/2 mile offshore, thence southeasterly approximately 1–1/2 miles to another buoy "BBC Comm Fish", thence approximately 1/2 mile directly to a fishing boundary marker on the shore is closed to commercial fishing.*
Areas 7D, 9, 9A, 10A, 10B, 10C, 10D, 10E, 11A, 12A, 12B, 12C, 12D, 13, 13A, 13B, and all freshwater areas – Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective immediately.

WAC 220-47-716 Puget Sound All-Citizen Commercial Salmon Fishery (82-175)

WSR 82-22-013
NOTICE OF PUBLIC MEETINGS
HOSPITAL COMMISSION
[Memorandum—October 22, 1982]

The State Hospital Commission will meet in Seattle at the Airport Hilton, SeaTac, on Thursday, November 11, 1982, at 9:30 a.m. The hospitals scheduled for informal hearing have previously filed with the commission their annual budget and rate requests and their requests for amendments to their previously approved budget and rates. Staff findings and recommendations will be prepared and transmitted to the scheduled hospitals and to members of the Hospital Commission in accordance with WAC 261-20-135. Such information is on file in the commission's office and is available for inspection.

Meetings of the State Hospital Commission are also scheduled for December 2, 16, 17 and 22 at the Vance Airport Inn and December 9 and 10 at the Seattle Airport Hilton.

WSR 82-22-014
PROPOSED RULES
WASHINGTON STATE UNIVERSITY
[Filed October 25, 1982]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Washington State University intends to adopt, amend, or repeal rules concerning campus parking and traffic regulations. The rules formerly codified in chapter 504-16 WAC will be repealed and re-enacted in revised form as chapter 504-17 WAC. Most of the revisions are stylistic in nature, and include deletion of redundant material. The major change of substance is an increase in the fine schedule for parking violations. The "E-Lot" parking category will be eliminated as of 1983-84. The new regulations will take effect on February 1, 1983.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Friday, November 19, 1982, at 9:00 a.m., in the City Council Chambers, West 808 Spokane Falls Blvd., Spokane, WA.

The authority under which these rules are proposed is RCW 28B.30.125, 28B.30.150, 28B.10.560, 28B.30.045, 28B.15.031 and chapter 28B.19 RCW.

The specific statute these rules are intended to implement is RCW 28B.30.125, 28B.30.150, 28B.10.560, 28B.30.045 and 28B.15.031.

This notice is connected to and continues the matter in Notice No. WSR 82-17-045 filed with the code reviser's office on August 16, 1982.

Dated: October 22, 1982
By: G. A. Hartford, Jr.
Vice President—Business and Finance

WSR 82-22-015
PROPOSED RULES
WALLA WALLA COMMUNITY COLLEGE
[Filed October 25, 1982]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that Community College District No. 20, Walla Walla Community College, intends to adopt, amend, or repeal rules concerning civil service rules, chapter 132T-08 WAC;

that the institution will at 3:30 p.m., Thursday, December 16, 1982, in the Board Room, Walla Walla Community College, 500 Tausick Way, Walla Walla, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.50.140 and chapter 28B.19 RCW.

The specific statute these rules are intended to implement is chapter 28B.16 RCW.

Interested persons mays submit data, views, or arguments to this institution in writing to be received by this institution before December 16, 1982.

Dated: October 21, 1982
By: Wayland DeWitt
Secretary, Board of Trustees

STATEMENT OF PURPOSE

The Following Sections are Repealed: WAC 132T-08-010 Purpose, Adoption, and Amendment of Rules; 132T-08-020 Definition of Terms; 132T-08-030 Organization for Personnel Management; 132T-08-040 Classification Plan; 132T-08-050 Compensation Plan; 132T-08-060 Hours of Work and Leaves of Absence; 132T-08-070 Recruitment and Examination; 132T-08-080 Eligible Lists; 132T-08-090 Certification and Appointment; 132T-08-100 Probationary Period; 132T-08-110 Separation and Disciplinary Actions; 132T-08-120 Appeals from Disciplinary Actions; 132T-08-130 Representation and Grievances; 132T-08-140 Service Ratings and Training; 132T-08-150 Prohibitions and Penalties; 132T-08-160 Records and Reports; 132T-08-990 Appendix—Secretarial and Clerical Compensation Plan; and 132T-08-99001 Appendix—Custodial and Maintenance Plan.

Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW statutorily grant the authority for District No. 20 as an institution of higher education to amend, repeal or create rules.

Purpose and Reason for Repeal of Rules: Rules are obsolete and unnecessary.

Summary of Rules: Rules were originally adopted to give effect to the state Civil Service Law, chapter 41.06 RCW. The state Higher Education Personnel Law, chapter 28B.16 RCW and the rules and regulations of the Higher Education Personnel Board now govern classified employees at Walla Walla Community College.

The President of Walla Walla Community College, 500 Tausick Way, Walla Walla, Washington, Telephone: 522-2500, Ext. 4274 is responsible for the drafting and the repealing of this rule, chapter 132T-08 WAC, Civil Service Rules.

The repeal of these rules is necessary because of the enactment of the State Higher Education Personnel Law, chapter 28B.16 RCW.

REPEAL OF
CHAPTER 132T-08 WAC
CIVIL SERVICE RULES

WAC	
132T-08-010	Purpose, adoption, and amendment of rules.
132T-08-020	Definition of terms.
132T-08-030	Organization for personnel management.
132T-08-040	Classification plan.
132T-08-050	Compensation plan.
132T-08-060	Hours of work and leaves of absence.
132T-08-070	Recruitment and examination.
132T-08-080	Eligible lists.
132T-08-090	Certification and appointment.
132T-08-100	Probationary period.
132T-08-110	Separation and disciplinary actions.
132T-08-120	Appeals from disciplinary actions.
132T-08-130	Representation and grievances.
132T-08-140	Service ratings and training.
132T-08-150	Prohibitions and penalties.
132T-08-160	Records and reports.
132T-08-990	Appendix—Secretarial and clerical compensation plan.
132T-08-99001	Appendix—Custodial and maintenance plan.

REPEALER

The following sections of the Washington Administrative Code are each repealed:

(1) WAC 132T-08-010 PURPOSE, ADOPTION, AND AMENDMENT OF RULES.
(2) WAC 132T-08-020 DEFINITION OF TERMS.
(3) WAC 132T-08-030 ORGANIZATION FOR PERSONNEL MANAGEMENT.
(4) WAC 132T-08-040 CLASSIFICATION PLAN.
(5) WAC 132T-08-050 COMPENSATION PLAN.
(6) WAC 132T-08-060 HOURS OF WORK AND LEAVES OF ABSENCE.
(7) WAC 132T-08-070 RECRUITMENT AND EXAMINATION.
(8) WAC 132T-08-080 ELIGIBLE LISTS.
(9) WAC 132T-08-090 CERTIFICATION AND APPOINTMENT.
(10) WAC 132T-08-100 PROBATIONARY PERIOD.
(11) WAC 132T-08-110 SEPARATION AND DISCIPLINARY ACTIONS.
(12) WAC 132T-08-120 APPEALS FROM DISCIPLINARY ACTIONS.
(13) WAC 132T-08-130 REPRESENTATION AND GRIEVANCES.
(14) WAC 132T-08-140 SERVICE RATINGS AND TRAINING.
(15) WAC 132T-08-150 PROHIBITIONS AND PENALTIES.
(16) WAC 132T-08-160 RECORDS AND REPORTS.
(17) WAC 132T-08-990 APPENDIX—SECRETARIAL AND CLERICAL COMPENSATION PLAN.
(18) WAC 132T-08-99001 APPENDIX—CUSTODIAL AND MAINTENANCE PLAN.

WSR 82-22-016
PROPOSED RULES
WALLA WALLA COMMUNITY COLLEGE
[Filed October 25, 1982]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that Community College District No. 20, Walla Walla Community College, intends to adopt, amend, or repeal rules concerning rules of conduct and procedures of enforcement, chapter 132T-20 WAC;

that the institution will at 3:30 p.m., Thursday, December 16, 1982, in the Board Room, Walla Walla Community College, 500 Tausick Way, Walla Walla, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.50.140 and chapter 28B.19 RCW.

The specific statute these rules are intended to implement is RCW 28B.50.140(13).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before December 16, 1982.

Dated: October 21, 1982
By: Wayland DeWitt
Secretary, Board of Trustees

STATEMENT OF PURPOSE

The Following Sections are Amended: WAC 132T-20-010, 132T-20-020, 132T-20-040, 132T-20-052, 132T-20-058, 132T-20-060, 132T-20-090, 132T-20-100 and 132T-20-150.

The Following Sections are Added: WAC 132T-20-075, 132T-20-105, 132T-20-115 and 132T-20-155.

The Following Sections are Repealed: WAC 132T-20-080, 132T-20-110, 132T-20-120, 132T-20-130, 132T-20-160, 132T-20-170 and 132T-20-180.

Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW statutorily grant the authority for District No. 20 as an institution of higher education to amend, repeal or create rules.

Purpose and Reason for Rules: Amended WAC 132T-20-010 defines purpose of these rules is to prescribe standards of conduct for students of Community College District 20, the violation of which may constitute sufficient cause for for disciplinary action as described in and in accordance with the procedures established in chapters 132T-20 and 132T-24 WAC; amended WAC 132T-20-020 clarifies the definition of words and phrases used in chapter 132T-20 WAC; amended WAC 132T-20-040 clarifies the meaning of drugs and the use of drugs; amended WAC 132T-20-052 clarifies the title of the Dean of Students, and also what constitutes interference; amended WAC 132T-20-058 clarifies scheduling requirements for outside speakers; amended WAC 132T-20-060 corrects that section to make reference to current laws; amended WAC 132T-20-090 deletes a legal reference no longer applicable; amended WAC 132T-20-100 redefines and clarifies the method of initiating disciplinary action; amended WAC 132T-20-150 deletes one sentence which was not in compliance with the intent of the rules; new section WAC 132T-20-075 replaces WAC 132T-20-080 which is repealed. It defines academic misconduct and the action to be taken relative to academic misconduct; new section WAC 132T-20-105 replaces WAC 132T-20-110 which is repealed. It defines a hearing procedure for disciplinary actions; new section WAC 132T-20-115 replaces WAC 132T-20-120 which is repealed. It defines the appeal processes on disciplinary action; new section WAC 132T-20-155 replaces WAC 132T-20-160 which is repealed. It provides the method of keeping records of disciplinary actions; and WAC 132T-20-080, 132T-20-110, 132T-20-120, 132T-20-130, 132T-20-160, 132T-20-170 and 132T-20-180 are repealed and replaced with new sections or completely deleted because they are no longer applicable.

Summary of the Rule: These rules may be summarized as prescribing standards of conduct for students of Community College District No. 20, the violation of which may constitute sufficient cause for disciplinary action as prescribed in this chapter and chapter 132T-24 WAC.

Institution Personnel Responsible for Rule: The President of Walla Walla Community College, 500 Tausick Way, Walla Walla, Washington, Telephone 522-2500, Ext. 4274 is responsible for the drafting of this rule. The president and dean of students are responsible for the enforcement of the rule.

These rules are not necessary as a result of federal law or federal or state court action.

AMENDMENTS TO CHAPTER 132T-20 WAC RULES OF CONDUCT AND PROCEDURES OF ENFORCEMENT

WAC

132T-20-010	Purpose.
132T-20-020	Definitions.
132T-20-040	Drugs
132T-20-052	Distribution of Materials.
132T-20-058	Outside Speakers.
132T-20-060	Criminal Violations.
132T-20-075	Academic Misconduct.
132T-20-090	Trespass.
132T-20-100	Initiation of Disciplinary Action.
132T-20-105	Hearing Procedure.
132T-20-115	Appeals.
132T-20-150	Readmission After Dismissal.
132T-20-155	Records of Disciplinary Action.

AMENDATORY SECTION (Amending Order 70-6, filed 3/2/70)

WAC 132T-20-010 PURPOSE. Admission to Walla Walla Community College, or any additional community college hereafter established within Community College District No. 20, carries with it the presumption that students will conduct themselves as responsible members of the District and campus community. Students enrolling at Walla Walla Community College or any additional community college established within Community College District No. 20, assume the obligation to observe and abide by standards of conduct established by the Board of Trustees of Community College District No. 20.

The purpose of these rules is to prescribe standards of ((~~student~~)) conduct for students of Community College District No. 20, the violation of which may constitute sufficient cause for ((~~expulsion or suspension from the college~~)) disciplinary action as described in and in accordance with the procedures established in Chapters 132T-20 and 132T-24 of the Washington Administrative Code. ((~~The board subscribes to the principles and methods of student discipline prescribed in the Judicial Code which has heretofore been approved by the board. Accordingly, it is the intent of the board to prescribe standards of student conduct pursuant to the requirements of the Administrative Procedure Act and to by written order delegate to the president of the college authority to administer appropriate disciplinary action after a hearing consistent with the requirements of procedural due process before the appellate court according to procedural rules heretofore established and approved by the board as contained in the Student Judicial Code.~~))

AMENDATORY SECTION (Amending Order 70-6, filed 3/2/70)

WAC 132T-20-020 DEFINITIONS. As used in this chapter 132T-20 WAC, the following words and phrases shall mean:

(1) "Board" shall mean the Board of Trustees of Community College District No. 20, ((s))State of Washington.

(2) "College" shall mean Walla Walla Community College, or any additional community college hereafter established within Community College District No. 20, ((s))State of Washington.

(3) "Liquor" shall mean the definition of liquor as contained within RCW 66.04.010(((~~(16)~~))(15) as now law or hereafter amended.

(4) "Drugs" shall mean and include any narcotic drug as defined in RCW ((~~69.33.230(14)~~)) 69.50.101(c) as now law or hereafter amended and shall include any ((~~dangerous drug~~)) controlled substance as defined in RCW ((~~69.40.060~~)) 69.50.101(d) as now law or hereafter amended.

(5) "College facilities" shall mean and include any or all real property controlled or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto.

(6) "Assembly" shall mean any overt activity engaged in by one or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or disseminate information to any person, persons, or group of persons.

(7) "Disciplinary action" shall mean and include ((~~expulsion, delayed expulsion, suspension, delayed suspension or probation of~~)) any

action taken by the Dean of Students, the President or the Board regarding any student ((~~by the college president~~)) pursuant to Chapters 132T-20 and 132T-24 WAC ((~~132T-20-120~~)) for a violation ((~~of any designated rule or regulation~~)) of the rules of student conduct, including warning, probation, suspension, delayed suspension, expulsion, delayed expulsion or registration denial ((~~for which a student is subject to disciplinary action~~)).

(8) "Student" shall mean and include any person who is regularly enrolled at the college.

(9) "President" shall mean the president appointed by the board or in such president's absence, the acting president.

(10) "Rules of Student Conduct" shall mean the rules contained within ((~~c~~))Chapter 132T-20 WAC as now exist or which may be hereafter amended((~~, the violation of which subject a student to disciplinary action~~)).

(11) ((~~"Appellate Court" shall mean the court established in WAC 132T-20-110 to hear all matters which are subject to disciplinary action and whose duties are specifically enumerated in the Student Judicial Code.~~)) "Warning" shall mean action by the Dean of Students, the President or the Chairman of the Board formally censuring the student for violation of the rules of student conduct. A warning is written and indicates to the student that continuation or repetition of the specific conduct may result in further disciplinary action.

(12) ((~~"Judicial Board" shall mean the Judicial Board established in the Student Judicial Code.~~)) "Probation" shall mean formal action by the Dean of Students, the President or the Board placing conditions upon the student's continued enrollment at the college for a violation of the rules of student conduct. Probation is communicated in writing and specifies the period of probation and any and all conditions imposed upon the student's continued enrollment.

(13) ((~~"Student Judicial Code" shall mean the Judicial Code of associated students, Walla Walla Community College as heretofore approved by the board.~~)) "Suspension" shall mean formal action by the Dean of Students, the President of the Board temporarily dismissing a student from the college for a violation of the rules of student conduct. Suspension may be for a stated period of time or for an indefinite period. A student reinstated following a suspension may be placed on probation.

(14) "Delayed Suspension" shall mean a suspension which has delayed effective date.

(15) "Expulsion" shall mean formal action by the Dean of Students, the President or the Board expelling and dismissing a student from the college for a violation of the rules of student conduct. There will be no refund of fees for the quarter in which the action is taken, although prepaid fees for subsequent quarters shall be refunded. A student who is reinstated following expulsion may be placed on probation.

(16) "Delayed Expulsion" shall mean an expulsion which has a delayed effective date.

(17) "Registration Denial" shall mean formal action of the Dean of Students, the President or the Board refusing to allow a student to register for classes at the college for violation of the rules of student conduct. A student who is allowed to register following a registration denial may be placed on probation.

AMENDATORY SECTION (Amending Order 70-6, filed 3/2/70)

WAC 132T-20-040 DRUGS. Any student who shall use, ((~~or~~)) possess or sell any drug as defined in WAC 132T-20-020(4) on college facilities or at college related activities shall be subject to disciplinary action except when ((~~the~~)) such use or possession ((~~of a drug~~)) is specifically prescribed as medication by ((~~an~~)) authorized medical ((~~doctor or dentist~~)) personnel. For purposes of this regulation, the term "sell" shall include ((~~the statutory~~)) its generally accepted meaning and as defined in RCW ((~~69.04.005~~)) 69.50.410.

AMENDATORY SECTION (Amending Order 71-11, filed 4/7/71)

WAC 132T-20-052 DISTRIBUTION OF MATERIALS. (1) Handbills, leaflets, newspapers and similarly related published matter may be distributed free of charge upon college facilities designated by the ((~~d~~))Dean of ((~~s~~))Students ((~~personnel services~~)) by any student, ((~~or~~)) students or members of any ((~~recognized~~)) student organization. The ((~~d~~))Dean of ((~~s~~))Students ((~~personnel services~~)) shall ((~~be required to~~)) permit distribution of materials at reasonable times and places and in a reasonable manner: Provided, ((~~That~~)) ((~~s~~))Such distribution does not interfere with the ingress or egress of persons, ((~~or~~)) interfere with the free flow of regular pedestrian traffic, or interfere with the operation of academic, vocational or other functions of the college.

(2) Newspapers, leaflets, handbills and other similarly related published material may be offered for sale by any student or student organization through the college bookstore: Provided, ((~~That~~)) ((~~s~~))Such newspapers, leaflets and handbills which are sold must bear identification as to the publishing agency and distributing individual or organization.

(3) All nonstudents shall be required to register with ((~~a coordinator of student activities~~)) the Dean of Students prior to the distribution of any handbill, leaflet, newspaper or related published matter: Provided, ((~~That~~)) ((~~s~~))Such registration shall not be applied as a prior restraint by the ((~~coordinator of student activities~~)) Dean of Students in denying to any nonstudent the opportunity to distribute any handbill, leaflet, newspaper or similar published matter: Provided further, ((~~That~~)) ((~~s~~))Such nonstudents shall only be entitled to distribute handbills, leaflets, newspapers or similar published matter in an area designated by the ((~~d~~))Dean of ((~~s~~))Students ((~~personnel services~~)) which is available to students for the distribution of similar matters.

(4) Any student who shall distribute or offer for sale any handbill, leaflet, newspaper or similar published matter which is obscene as defined by case law most recently promulgated by the United States Supreme Court, or which advocates the imminent destruction of college property or other similarly unlawful and violent acts, shall be subject to disciplinary action.

AMENDATORY SECTION (Amending Order 71-11, filed 4/7/71)

WAC 132T-20-058 OUTSIDE SPEAKERS. The trustees, the administration, the faculty, and the students of the college subscribe to the proposition that an important aspect of the education of college students is the opportunity to listen to speakers representing a wide variety of opinions and beliefs. The appearance of an invited speaker at the college campus does not constitute an endorsement of the speaker's views by the college, its students, faculty, administration, or board of trustees. In conformity with the American tradition of free speech and free inquiry, the following policies are established governing the appearance of on-campus speakers who are not members of the college community.

(1) Any recognized college organization, with knowledge of its advisor, may invite speakers to the campus subject to restraints imposed by the laws of the United States and the ((~~s~~))State of Washington.

(2) No off-campus speaker shall be entitled to appear at the college unless, ((~~the scheduling of such appearance meets with the following procedures:~~))

((~~(a) The event and date approved by the activities planning board.~~))

((~~(b) The event and date approved by the student council.~~))

((~~(c) A~~))at least one week prior to the approved date, the ((~~activities vice president will~~)) Dean of Students schedules the event with the ((~~business office, student services, the custodian and the cafeteria~~)) Director of Plant Facilities((~~.~~)), where appropriate. Where scheduling with the Director of Plant Facilities is not necessary, the Dean of Students may waive the one-week notice requirement.

((~~(d) Exceptions to the one-week notice provision may be made by the dean of student personnel services.~~))

(3) The executive council and/or the ((~~d~~)) Dean of ((~~s~~)) Students may arrange to have views other than those of the invited speaker represented at the meeting, or at a subsequent meeting.

(4) The college president may, at his discretion, assign a faculty member to cochair with a student representative over any meeting where a speaker has been invited.

AMENDATORY SECTION (Amending Order 70-6, filed 3/2/70)

WAC 132T-20-060 CRIMINAL VIOLATIONS. (1) Any student who shall commit ((~~larceny~~)) theft of the property of another, as defined in RCW ((~~9.54.010~~)) 9A.56.020 upon college facilities shall be subject to disciplinary action.

(2) Any student who shall assault another in the manner prohibited by RCW ((~~9.11.010, 9.11.020 or 9.11.030~~)) 9A.36.010, 9A.36.020, 9A.36.030 or 9A.36.040 upon college facilities shall be subject to disciplinary action.

(3) Any student who engages in acts of forgery as defined by RCW ((~~9.44.010~~)) 9A.60.020 upon college facilities shall be subject to disciplinary action.

(4) Any student who commits any other act on college facilities which is punishable as a gross misdemeanor or a felony under the laws

of the ((s))State of Washington and which act is not a violation of any other provision of the rules of student conduct, shall be subject to disciplinary action.

NEW SECTION

WAC 132T-20-075 ACADEMIC MISCONDUCT. The college defines academic misconduct as any act or omission by a student adversely affecting the institution's pursuit of its educational objectives, including academic honesty.

(1) Academic misconduct includes, but is not limited to:

(a) Forgery, alteration or misuse of college documents, records, files or instruments with the intent to defraud;

(b) Plagiarism;

(c) Knowingly furnishing false information to the college;

(d) Academic dishonesty or cheating; and

(e) Aiding and abetting any student in any act of academic misconduct.

(2) An instructor may take any and all reasonable action against any student who is deemed to have cheated or been guilty of another form of academic misconduct in an academic activity within such instructor's authority and supervision. An instructor taking such action against any student for an act of academic misconduct shall report such action to the Dean of Students within two class days. Any student subject to action of an instructor for a violation of this section may seek review of that action by the Dean of Students, if such request is submitted in writing within five class days of the date of the complained-of action.

AMENDATORY SECTION (Amending Order 70-6, filed 3/2/70)

WAC 132T-20-090 TRESPASS. (1) The president of the college, or, in such president's absence, the acting president, is authorized in the instance of any event that the president deems to be disruptive of order or which the president deems impedes the movement of persons or vehicles or which the president deems to disrupt or threatens to disrupt the ingress and/or egress of persons from facilities owned and/or operated by the college, then the president, acting through the ((d))Dean of ((s))Students ((~~personnel services~~)) or such other person designated by the president, shall have the power and authority, subject to WAC 132T-20-050, to:

(a) Prohibit the entry of, or withdraw the license or privilege of any person or persons or any group of persons to enter onto or remain upon all or any portion of a college facility which is owned and/or operated by the college; or

(b) To give notice against trespass by any manner provided for by law ((~~specified in section 1(2), chapter 7, Laws of 1969~~)) to any person, persons or group of persons against whom the license or privilege has been withdrawn or who have been prohibited from, entering onto or remaining upon all or any portion of a college facility, which college facility is owned and/or operated by the college; or

(c) To order any person, persons, or group of persons to leave or vacate all or any portion of a college facility which is owned and/or operated by the college.

(2) Any student who shall disobey a lawful order given by the president or his designee pursuant to the requirements of section 1 of this rule, shall in addition to violating criminal law also be subject to disciplinary action.

AMENDATORY SECTION (Amending Order 70-6, filed 3/2/70)

WAC 132T-20-100 INITIATION OF DISCIPLINARY ACTION. (1) The ((d))Dean of ((s))Students ((~~personnel services with the concurrence of the student attorney general~~)) shall initiate disciplinary action for a violation of the ((~~student~~)) rules of student conduct if such ((d))Dean of ((s))Students ((~~personnel services with the concurrence of the student attorney general~~)) deems such alleged violation warrants disciplinary action to be imposed ((~~by the college president~~)) after a hearing to determine relevant facts ((~~before the appellate court. PROVIDED, That any student accused of violating a provision of the rules of student conduct may in writing waive his right to a hearing before the appellate court and elect to have disciplinary action directly imposed by the college president~~)).

(2) A ((~~R~~))request for the imposition of disciplinary action for a violation of the rules of student conduct shall be referred in writing to the ((d))Dean of ((s))Students ((~~personnel services and student attorney general and~~)) within twenty days of the discovery of the facts giving rise to the request. Such a request may be made by((:))

((~~(a)~~)) ((~~A~~))any member of the administration or faculty of the college((;)) or

((~~(b)~~)) ((~~A~~))any student((~~; or~~))

((~~(c) Student managers~~)). All such requests must be in writing and signed by the individual making such request.

(3) The Dean of Students shall within three working days from the time of receiving such request meet with the student against whom the charge is made and informally discuss the allegations with him/her. Following such informal meeting the Dean of Students, within three working days, shall notify in writing both the person(s) making such allegation(s) and the student of his/her decision as to whether a cause for disciplinary action exists. Within three working days following receipt of the written notification from the Dean of Students, either the person(s) making the allegation(s) or the student against whom the charge has been made, may request in writing a formal hearing from the Dean of Students as provided in WAC 132T-20-105.

Reviser's note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 132T-20-105 HEARING PROCEDURE. (1) Any request for a hearing on the imposition of disciplinary action initiated pursuant to WAC 132T-20-100 shall be heard by the Dean of Students pursuant to procedures established herein. Basic standards and concepts of fairness will be observed.

(2) In all hearings upon a request for the imposition of disciplinary action, whether heard by the Dean of Students, the Student Conduct Committee, or the President, the following procedures shall apply:

(a) A written record of all hearings shall be kept, including a statement of charges against the student, a conclusion as to the truth or falsity of each charge and a decision as to whether or not a violation of the rules of student conduct has occurred and, if a violation is found, the disciplinary action to be taken;

(b) Students accused of violating the rules of student conduct may call witnesses on their behalf and may confront witnesses called to testify against them.

(c) The Dean of Students, the Student Conduct Committee or the President, shall examine and weigh all evidence presented at the hearing. They may call and question any and all witnesses. They shall prepare the record, including findings of fact supporting the decision.

(d) All hearings shall be conducted within twenty days of receipt of the request for hearing on disciplinary action. All decisions of the Dean of Students, the Student Conduct Committee or the President shall be made within ten days of the conclusion of the hearing and shall be submitted in writing to the student against whom the charge has been made and to the person(s) making the allegation(s).

(3) Any student accused of violating the rules of student conduct may, at any time during the disciplinary process, waive any further proceedings by submitting to the Dean of Students in writing a request for termination of the proceedings and agreeing to the imposition of discipline recommended by the Dean of Students.

NEW SECTION

WAC 132T-20-115 APPEALS. (1) Within five days of receipt of the decision of the Dean of Students imposing disciplinary action upon a student, that student may appeal in writing directly to the President of the college, or may request in writing directed to the President of the Associated Student Body that a Student Conduct Committee be formed to hear his/her appeal from the decision of the Dean of Students imposing disciplinary action.

(2) Should a Student Conduct Committee be requested, the President of the Associated Student Body shall appoint a committee composed of three students selected from six candidates nominated by the Student Senate, and four faculty members selected from six faculty members nominated by the President of the college. The Student Conduct Committee so appointed shall choose a chairman from the faculty members who shall vote only in the occurrence of a tie. The Student Conduct Committee shall be appointed to act on a temporary basis and only on the specific disciplinary action being appealed.

(3) The written notice of appeal shall state the reasons for the appeal.

(4) The President and/or the Student Conduct Committee will base their decision on the record of the proceedings before the Dean of Students, or, solely at the discretion of the Student Conduct Committee or the President, they may receive additional evidence or rehear the case entirely; and

(5) The Student Conduct Committee or the President may sustain, reverse or amend the disciplinary action taken by the Dean of Students or, at their discretion, remand the case to the Dean of Students for review.

(6) In the event the disciplinary action has been appealed to the Student Conduct Committee, within ten days of receipt of the decision of the Student Conduct Committee imposing disciplinary action upon a student, whether such decision be a review of the proceedings before the Dean of Students or an original proceeding pursuant to WAC 132T-20-105(2), that student or the Dean of Students may appeal to the President of the college, provided:

(a) The notice of appeal, and the reasons therefor, are directed to the President in writing within ten days of the receipt of the decision of the Student Conduct Committee.

(7) Within ten days of receipt of the decision of the President imposing disciplinary action upon a student, whether such decision be a review of proceedings before the Dean of Students or an original proceeding pursuant to WAC 132T-20-105(2), that student may appeal to the Board, provided:

(a) The notice of appeal, and the reasons therefor, are directed in writing to the Chairman of the Board.

(8) The Board or Hearing Officer appointed by the Board shall review the record of proceedings before the President and the President's action and shall sustain that decision unless it is found to be arbitrary and capricious, in which case the matter shall be remanded to the President with written directions from the Board.

(9) There shall be no appeal beyond the Board's review of the President's decision except as provided in RCW 28B.19.150.

AMENDATORY SECTION (Amending Order 70-6, filed 3/2/70)

WAC 132T-20-150 READMISSION AFTER DISMISSAL. Any student dismissed from the college for disciplinary reasons may be readmitted only on written petition of the ((d))Dean of ((s))Students ((personnel services who initiated the action resulting in his dismissal)). Such petitions must indicate how specified conditions have been met and, if the term of the dismissal has not expired, any reasons which support a reconsideration of the matter. ((Because the president of the college participates in all disciplinary actions dismissing students from the college;)) ((d))Decisions on such petitions for readmission must be reviewed and approved by the President before readmission is granted.

NEW SECTION

WAC 132T-20-155 RECORDS OF DISCIPLINARY ACTION. (1) Records of all disciplinary cases shall be kept by the office of the Dean of Students. Except in proceedings wherein the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved insofar as possible for at least five years. No record of proceedings wherein the student is exonerated, other than the fact of exoneration, shall be maintained in the student's file or other college repository after the date of the student's graduation.

(2) The office of the Dean of Students shall keep accurate records of all disciplinary actions taken by, or reported to, that office. All disciplinary action will be entered on the student's record and may be removed at the time of graduation or earlier, at the discretion of the Dean of Students, if special terms and conditions have been met or if other circumstances warrant the removal. The Dean of Students is responsible for ordering the removal of temporary notations of any disciplinary action on the student's record. A student may petition the Dean of Students for removal of such a notation at any time.

REPEALER

The following sections of the Washington Administrative Code are each repealed:

(1) WAC 132T-20-080 CHEATING.
(2) WAC 132T-20-110 APPELLATE COURT.
(3) WAC 132T-20-120 IMPOSITION OF DISCIPLINE.
(4) WAC 132T-20-130 STUDENT APPEAL.
(5) WAC 132T-20-160 REPORTING, RECORDING AND MAINTENANCE OF RECORDS.
(6) WAC 132T-20-170 EXCLUSIVENESS.
(7) WAC 132T-20-180 JUDICIAL BOARD JURISDICTION.

WSR 82-22-017
PROPOSED RULES
WALLA WALLA COMMUNITY COLLEGE
[Filed October 25, 1982]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that Community College District No. 20, Walla Walla Community College, intends to adopt, amend, or repeal rules concerning constitution and bylaws of the associated students of Walla Walla Community College, chapter 132T-104 WAC;

that the institution will at 3:30 p.m., Thursday, December 16, 1982, in the Board Room at Walla Walla Community College, 500 Tausick Way, Walla Walla, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.50.140 and chapter 28B.19 RCW.

The specific statute these rules are intended to implement is RCW 28B.50.140(13).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before December 16, 1982.

Dated: October 21, 1982
By: Wayland DeWitt
Secretary, Board of Trustees

STATEMENT OF PURPOSE

The Following Sections are Amended: WAC 132T-104-030, 132T-104-100, 132T-104-121 and 132T-104-210.

The Following Sections are Repealed: WAC 132T-104-050 Judicial Function of Associated Students of Walla Walla Community College; WAC 132T-104-220 Judicial Board of Walla Walla Community College; and WAC 132T-104-230 The Appellate Court of Walla Walla Community College.

Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW statutorily grant the authority for District No. 20 as an institution of higher education to amend, repeal or create rules.

Purpose and Reasons for Rules: WAC 132T-104-030 is amended to comply with provisions of chapter 132T-20 WAC Rules of Conduct and Procedures of Enforcement; WAC 132T-104-121 is amended to change the name of the statewide community college student organization from "CORP" to the "Washington Association of Community College Students" to reflect the change of name by the organization; WAC 132T-104-210 is amended to change the name of the statewide community college student organization from "CORP" to the "Washington Association of Community College Students" to reflect the change of name by the organization;

and WAC 132T-104-050 Judicial Function of Associated Students of Walla Walla Community College, WAC 132T-104-220 Judicial Board of Walla Walla Community College, and WAC 132T-104-230 The Appellate Court of Walla Walla Community College are repealed because they are no longer applicable to the due process afforded students at Walla Walla Community College.

Summary of the Rule: These rules may be summarized as clarifying the judicial process of the Associated Student Body of Walla Walla Community College.

Institution Personnel Responsible for Rule: The president of Walla Walla Community College, 500 Tausick Way, Walla Walla, Washington, Telephone 522-2500, Ext. 4274 is responsible for the drafting of this rule. The president, the dean of students, and the director of student activities of Walla Walla Community College are responsible for the implementation of the rule.

These rules are not necessary as a result of federal law or federal or state court action.

AMENDMENTS TO
CHAPTER 132T-104
CONSTITUTION AND BYLAWS OF THE ASSOCIATED STUDENTS
OF WALLA WALLA COMMUNITY COLLEGE

WAC

132T-104-030	Legislative Body of Associated Students of Walla Walla Community College.
132T-104-100	Parliamentary Authority.
132T-104-121	Washington Association of Community College Students.
132T-104-210	Duties of Officers of Walla Walla Community College Associated Student Body.

AMENDATORY SECTION (Amending Order 35, filed 8/23/78)

WAC 132T-104-030 LEGISLATIVE BODY OF ASSOCIATED STUDENTS OF WALLA WALLA COMMUNITY COLLEGE. (1) The legislative authority of the associated students shall be vested in the associated student senate.

(2) The voting members of the associated student senate shall be the executive vice-president, activities vice-president, business vice-president, and the publicity vice-president of the associated students; senators and representatives from other segments of the Associated Student Body as recognized and defined by the associated student senate. The president shall vote in the occurrence of a tie.

(3) Candidates for associated student senate shall be members of the associated students, shall be full-time students while in office, and shall have a cumulative average of 2.0 at the time of nomination.

(4) Each voting member shall be entitled to only one seat at any associated student senate meeting.

(5) Impeachment:

(a) An impeachment measure may be moved against any member of the associated student senate by petition of two-fifths of the membership of the associated student senate. Conviction shall require two-thirds of the tabulated vote of the associated student body.

(b) An impeachment measure moved against any member shall disqualify him from participation in voting in his impeachment proceedings.

(c) The impeachment hearing must be held within one week of the passage of the motion for impeachment.

(6) ((~~The associated student senate shall have the power to initiate and amend the associated student judicial code. Other~~)) The duties and regulations of the legislature shall be set forth in the by-laws.

AMENDATORY SECTION (Amending Order 76-1, filed 8/28/75)

WAC 132T-104-100 PARLIAMENTARY AUTHORITY. (1) The parliamentary authority of this organization shall be the most current revision of Robert's Rules of Parliamentary Procedure, except in such cases as are covered by the by-laws of this constitution or by special rules adopted by the associated student body.

(2) All meetings of all organizations and agencies established by this constitution shall be conducted under Robert's Rules of Parliamentary Procedure.

(3) All student government meetings will be conducted by parliamentary procedure. A parliamentarian may be present at all meetings. The president of the associated student body may appoint a parliamentarian pro-tem in the absence of the parliamentarian.

(4) The ((P))parliamentarian for the ((s))Student ((s)) Senate ((~~is chief justice of our student court. The parliamentarian (chief justice) does not have a vote in student senate~~)) shall be a member of the Student Senate and shall be elected by a majority vote of the Student Senate. He is required to attend all ((s))Student ((s))Senate meetings.

AMENDATORY SECTION (Amending Order 35, Resolution 79-1, filed 8/23/78)

WAC 132T-104-121 ((~~CORP~~)) WASHINGTON ASSOCIATION OF COMMUNITY COLLEGE STUDENTS. (1) The executive vice-president of Walla Walla Community College shall represent the associated students of Walla Walla Community College in ((~~CORP (Council of Representatives and Presidents)~~)) Washington Association of Community College Students. The associated student body president or president's appointee will be Walla Walla Community College's alternate representative.

(2) The Executive Council may appoint with student senate approval an individual to keep correspondence and/or generally abreast of what the organization is doing. The appointed individual may never vote or state what stand our campus has on any issue unless two-thirds of the student senate give their express approval. This may never be broad voting powers, but only on specific items to be decided on by ((~~CORP~~)) the Washington Association of Community College Students where our vote and/or opinion is desired.

AMENDATORY SECTION (Amending Order 82-6, filed 6/2/82)

WAC 132T-104-210 DUTIES OF OFFICERS OF WALLA WALLA COMMUNITY COLLEGE ASSOCIATED STUDENT BODY. (1) The Associated Student Body President shall preside over all meetings of the executive council and joint meetings with the associated student senate. The president shall make all appointments subject to the approval of the executive council and/or student senate unless otherwise provided for in this constitution and its by-laws. He shall be an ex-officio nonvoting member of the associated student senate and committees with the exception of executive council or in the occurrence of a tie. The president shall be the official representative of the associated student senate and the executive council. He is chairman of the Service and Activity Fee Budget Committee.

(2) Executive Vice President - He shall assist the president in his duties and shall assume the duties of the president in his absence. His most important duty is to get more people involved in student government. He is to keep up-to-date and precise records of clubs' officers and all people in student government (names and phone no. etc.). He is a student representative on all school committees (example: ((~~CORP~~)) Washington Association of Community College Students, curriculum, graduation, etc.).

(3) Activities Vice-President - He shall be responsible for the activities program at Walla Walla Community College. He shall appoint all necessary activities committee members.

(4) Publicity Vice-President - He shall be responsible for promoting Walla Walla Community College. He is also responsible for promoting our school to the community, especially the high school seniors in our district. He is responsible for placing and taking down announcements on outside and inside reader boards and assisting clubs with their publicity.

(5) Business Vice-President - The associated student body business vice-president shall be responsible for all financial matters of the associated student body of Walla Walla Community College, and shall act as financial advisor to all subsidiary organizations of the Walla Walla Community College associated student body. The business vice-president shall maintain in an efficient manner all financial records of the Walla Walla Community College associated student body and shall submit a financial report to the executive council and the associated student senate at the termination of each academic quarter or at their request. The business vice-president shall prepare the Walla Walla Community College associated student body budget with the aid of the Service and Activity Fee committee. the business vice-president must have qualifications such as bookkeeping and accounting, necessary to effectively manage the student budget.

(6) In addition to specific duties designated for the five elected officers, they shall assist with the following duties:

(a) Associated student body elections; staff the polling place and tabulate the results.

(b) Student orientation; assist in planning, organizing and presenting information at the student orientation fall quarter each year.

(c) Spring retreat; plan, organize and implement a spring retreat each year for the incoming associated student body officers.

(d) Student handbook; gather information, ideas and plan for the following year's student handbook.

(e) Service and Activity Fee budget; serve as a member of the Service and Activity Fee committee, planning, organizing and implementing the budget process for all Service and Activity Fees.

(7) Executive council, student senators, and representatives are required to pass a minimum of 12 credits per quarter.

(8) Executive council officers are required to be in the A.S.B. offices an average minimum of 1 hour a day. (It is recommended that they work a minimum of 10 hours a week for A.S.B.)

(9) Executive council, student senators, and representatives are required to attend all student senate meetings. Three unexcused absences per quarter may be grounds for impeachment or expulsion with the loss of all rights and monies.

(10) Executive council officers may not take more than 18 credit hours without the express approval of the student senate.

(11) Executive council officers attempting to get a grade for being an officer must submit to the Director of Student Activities a summary report form of what they did for last quarter. The Director of Student Activities determines the grade.

Reviser's note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

REPEALER

The following sections of the Washington Administrative Code are each repealed:

(1) WAC 132T-104-050 JUDICIAL FUNCTION OF ASSOCIATED STUDENTS OF WALLA WALLA COMMUNITY COLLEGE.

(2) WAC 132T-104-220 JUDICIAL BOARD OF WALLA WALLA COMMUNITY COLLEGE.

(3) WAC 132T-104-230 THE APPELLATE COURT OF WALLA WALLA COMMUNITY COLLEGE.

WSR 82-22-018
PROPOSED RULES
WALLA WALLA COMMUNITY COLLEGE

[Filed October 25, 1982]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that Community College District No. 20, Walla Walla Community College, intends to adopt, amend, or repeal rules concerning summary suspension procedures, chapter 132T-24 WAC;

that the institution will at 3:30 p.m., Thursday, December 16, 1982, in the Board Room at Walla Walla Community College, 500 Tausick Way, Walla Walla, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.50.140 and chapter 28B.19 RCW.

The specific statute these rules are intended to implement is RCW 28B.50.140(13).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before December 16, 1982.

Dated: October 21, 1982
By: Wayland DeWitt
Secretary, Board of Trustees

STATEMENT OF PURPOSE

The Following Sections are Amended: WAC 132T-24-020, 132T-24-030, 132T-24-040, 132T-24-050, 132T-24-060 and 132T-24-070.

Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW statutorily grant the authority for District No. 20 as an institution of higher education to amend, repeal or create rules.

Purpose and Reasons for Rules: WAC 132T-24-020, 132T-24-030, 132T-24-040, 132T-24-050, 132T-24-060 and 132T-24-070 are amended to change the title of dean of student services to dean of students, to include the president in the summary suspension procedures and clarify the procedures.

Summary of the Rule: The rule may be summarized as chapter 132T-24 WAC, Summary Suspension Procedures, providing due process for immediate suspension of students from the college.

Institution Personnel Responsible for Rule: The president of Walla Walla Community College, 500 Tausick Way, Walla Walla, Washington, Telephone 522-2500, Ext. 4274 is responsible for the drafting of this rule. The president and the dean of students are responsible for the implementation of the rule.

These rules are not necessary as a result of federal law or federal or state court action.

AMENDMENTS TO
CHAPTER 132T-24
SUMMARY SUSPENSION PROCEDURES

WAC

132T-24-020	Initiation of Summary Suspension Proceedings.
132T-24-030	Notice of Summary Proceedings.
132T-24-040	Procedures of Summary Suspension Hearing.
132T-24-050	Decision.
132T-24-060	Notice of Suspension.
132T-24-070	Appeal.

AMENDATORY SECTION (Amending Order 70-7, filed 3/2/70)

WAC 132T-24-020 INITIATION OF SUMMARY SUSPENSION PROCEEDINGS. If the president or the Dean of Students has cause to believe that any student has violated any law of the state or the United States, or any of the rules of student conduct contained in chapter 132T-20 WAC, and ((~~the president~~)) also has further cause to believe that the student's violation involves:

(1) Participation in any mass assembly violative of WAC 132T-20-050 and that immediate disciplinary action is necessary to restore order on any college facilities; or

(2) Violation of any other rule of student conduct and there also appears to be a significant probability that said violation or violations will continue to the great injury of the college, so as to render the disciplinary proceeding process contained in chapter 132T-20 WAC ineffectual.

Then the president or the Dean of Students, or ((~~his~~)) the president's designee shall, pursuant to the following rules, have authority to suspend said student for a maximum of twenty consecutive days prior to any subsequent disciplinary proceeding initiated under the rules of student conduct contained in chapter 132T-20 WAC.

Reviser's note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule

published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 70-7, filed 3/2/70)

WAC 132T-24-030 NOTICE OF SUMMARY PROCEEDINGS. (1) If the president or the Dean of Students desires to ((~~exercise the authority conferred by WAC 132T-24-030 against any student, he shall direct the dean of student personnel services to cause~~)) initiate summary suspension proceedings against a student, notice thereof ((~~to~~)) shall be served upon said student by registered or certified mail at the student's last known address, or by causing personal service of such notice upon said student.

(2) The notice shall be entitled "Notice of Summary Suspension Proceeding" and shall state:

(a) The charges against the student, including reference to the law and/or rules of student conduct involved and

(b) ((~~That~~)) ((t))The student charged must appear before the ((d))Dean of ((s))Students ((~~personnel services~~)) or such dean's designee at a time to be set by the dean, but not later than 24 hours from the date and time of receipt of the "Notice of Summary Suspension Proceeding".

AMENDATORY SECTION (Amending Order 70-7, filed 3/2/70)

WAC 132T-24-040 PROCEDURES OF SUMMARY SUSPENSION HEARING. (1) At such summary suspension hearing, the ((d))Dean of ((s))Students ((~~personnel services and~~)) or the ((p))President shall determine whether probable cause exists to believe that a student has committed the violation as specified in the Notice of Summary Suspension, and whether probable cause exists to believe that the immediate suspension of said student is necessary, pursuant to WAC 132T-24-020(1) or (2).

(2) The student may offer oral testimony of himself or of any person, submit any statement sworn or affidavit on his own behalf, examine any sworn affidavit and cross examine any witness who may appear against him, and submit any matter in extenuation or mitigation of the offense or offenses charged.

(3) ((~~The dean of student personnel services shall at the time of such summary suspension proceeding determine whether there is probable cause to believe that a violation of law or of the rules of student conduct has occurred, and whether there is cause to believe that immediate suspension is necessary pursuant to WAC 132T-24-020(1) and (2).~~)) In making ((~~such a decision~~)) the determination required by WAC 132T-24-040(1), ((~~said~~)) the ((d))Dean of Students or President may only consider the sworn affidavits or oral testimony of persons who have alleged that the student charged has committed a violation of law or of the rules of student conduct and the oral testimony and sworn affidavits submitted by the student charged.

AMENDATORY SECTION (Amending Order 70-7, filed 3/2/70)

WAC 132T-24-050 DECISION ((~~BY DEAN OF STUDENT PERSONNEL SERVICES~~)). If the ((d))Dean of ((s))Students ((~~personnel services~~)) or President, following the conclusion of such summary suspension proceeding, finds that there is probable cause to believe that:

(a) The student against whom specific violations of law or of the rules of student conduct are alleged has committed one or more such violations upon any college facility; and

(b) That such violations are grounds for summary suspension pursuant to WAC 132T-24-020(1) or (2); and

(c) Such violation or violations of the law or of the rules of student conduct constitute grounds for disciplinary probation or dismissal pursuant to chapter 132T-20 WAC.

Then the ((d))Dean ((~~of student personnel services~~)) or President may((~~, with the written approval of the president~~)) suspend such student from college for a maximum of twenty consecutive days. If a student against whom a summary suspension procedure has been initiated fails to appear at the time and place designated in the "Notice of Summary Suspension Proceeding", the ((d))Dean of ((s))Students ((~~personnel services~~)) or President shall be authorized to suspend such student after making the specific findings as required by this section.

Reviser's note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 70-7, filed 3/2/70)

WAC 132T-24-060 NOTICE OF SUSPENSION. (1) If any student is suspended pursuant to the procedures of this chapter, such student will be provided with a written copy of the ((d))Dean of ((s))Students' ((~~personnel services~~)) or President's findings ((~~of fact~~)) and conclusions((~~, as expressly concurred in by the president;~~)) as to whether said dean had probable cause to believe that the conditions for summary suspension outline((s))d in WAC 132T-20-040 exists and whether immediate suspension of said student should issue.

(2) The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by registered mail. Notice by mail shall be sent to said student's last known address. The suspension shall be effective from the day that such notice of suspension is mailed or personal service accomplished.

Reviser's note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 70-7, filed 3/2/70)

WAC 132T-24-070 APPEAL. (1) Any student aggrieved by an order issued at the summary suspension proceeding may appeal the same to the board of trustees. No such appeal shall be entertained, however, unless written notice of the appeal, specifically describing alleged errors in the findings and conclusions of the ((d))Dean of ((~~personnel services~~)) Students ((~~and~~)) or the ((p))President, is tendered at the office of the ((p))President within 72 hours following the date notice of summary suspension was served or mailed to the student.

(2) The board shall, as soon as reasonably possible, examine the allegations contained within the Notice of Appeal, along with the findings of the ((d))Dean and ((p))President, the record of the summary suspension proceeding, and determine therefrom whether the summary suspension order is justified. Following such examination, the board may, at its discretion, suspend the summary suspension pending determination of the merits of the appeal.

(3) The board shall notify the appealing student within 48 hours following its consideration of the notice of appeal, as to whether the summary suspension shall be maintained or stayed pending disposition of the disciplinary proceeding pursuant to the rules of student conduct.

WSR 82-22-019
EMERGENCY RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Order 176—Filed October 26, 1982]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98504, that it does adopt the annexed rules relating to the amending of WAC 356-06-010 definitions, (*"seniority" and **"termination leave") and new **WAC 356-18-105 termination leave.

We, the State Personnel Board, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is *due to the state's financial situation, employees are offering to take various amounts of time off without pay to help the budget problem; agencies felt these employees should not have their seniority dates affected by this time off. **SSB 5007 states that employees who are not members of the Public Employees Retirement System Plan 1 cannot cash out accrued vacation leave (lump sum); it further

states that agencies shall develop a method whereby accrued vacation leave may be taken by employees upon termination of employment. These rules will satisfy this provision.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 41.06.150(17) which directs that the State Personnel Board has authority to implement the provisions of **SSB 5007.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 14, 1982.

By Leonard Nord
Secretary

AMENDATORY SECTION (Amending Order 175, filed 9/22/82)

WAC 356-06-010 DEFINITIONS. The following definitions apply throughout these rules unless the context clearly indicates another meaning:

ACTING APPOINTMENT - An appointment of limited duration made from within the classified service to a supervisory or managerial position.

ADMINISTRATIVE PERSONNEL - Employees who regularly exercise discretion and independent judgment in the performance of: (1) Work related directly to management policy; or (2) work providing direct assistance to executive or administrative personnel.

AGENCY - An office, department, board, commission, or other separate unit or division, however designated, of the state government and all personnel thereof. It includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature.

AGRICULTURAL PERSONNEL - Employees performing work which includes farming and all its branches, including cultivating the soil, or growing or harvesting crops, or raising livestock, bees, fur-bearing animals, or poultry; or doing any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations.

ALLIED REGISTER - A register for a class for which the duties and minimum or desirable qualifications are equivalent to or above those for another class.

ALLOCATION - The assignment of a position to a job classification.

ANNIVERSARY DATE - Original entry date into state service as adjusted by leave without pay or break in service.

APPOINTING AUTHORITY - A person or group of persons lawfully authorized to make appointments.

BARGAINING UNIT - The group of employees in positions determined by the personnel board to constitute a unit appropriate for collective bargaining purposes under these rules.

BASIC SALARY RANGE - The dollar amount of the step of the salary range to which the employee is entitled, before any deduction, and exclusive of additional compensation of any kind.

BOARD - The state personnel board.

BUMPING - The replacement of an incumbent by another employee subject to reduction-in-force, who has greater seniority.

CAREER PLANNING - A programmed process designed to assist employee career growth through job experience, training and/or continuing education.

CERTIFICATION - Providing an agency with the appropriate number of names of candidates who have passed the examination for a given class and are eligible to be considered for vacancies.

CLASS - Identification of a position, or a group of positions, sufficiently similar in duties so that the same requirements of training, experience, or skill and the same title, examination, and salary range may be applied.

CLASSIFIED SERVICE - All positions and employees in the state service subject to the provisions of chapter 41.06 RCW and these rules.

COLLECTIVE BARGAINING OR COLLECTIVE NEGOTIATION - The performance of the mutual obligation of the appointing authority, or designee, and the certified exclusive representative of a bargaining unit to meet in an attempt to reach an agreement on all personnel matters over which the appointing authority may lawfully exercise discretion.

COMPENSATORY TIME - Time off in lieu of cash payment for overtime.

COMPETITIVE SERVICE - All positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

DATE OF ELECTION - The date of election is the date the director of personnel certifies the results of the election.

DEMOTION - A change of a permanent employee from a position in one class to a position in another class having a lower maximum salary.

DESIRABLE QUALIFICATIONS - The levels of education and/or experience deemed desirable or preferable for admission to the examination in lieu of fixed minimum qualifications.

DIRECTOR - The director of the department of personnel.

DISABILITY - An employee's bodily inability to perform adequately the essential duties of the job class. (For purposes of WAC 356-35-010, this definition shall not include maternity.)

DISMISSAL - The termination of employment of a permanent employee (for cause) or of a probationary employee as specified in these rules.

EDUCATION LEAVE OF ABSENCE - An authorized leave of absence for educational purposes.

ELEVATION - Restoring an employee to the higher classification, with permanent status, which was held prior to being granted a demotion.

ELIGIBLE - An applicant whose name is on a register.

EMERGENCY APPOINTMENT – An appointment, for emergency reasons, not to exceed 60 calendar days.

EMPLOYEE – Any person employed under the jurisdiction of these rules.

EMPLOYEE ORGANIZATION – Any organization having the authority, as specified in WAC 356–42–010, to represent state employees on personnel matters.

EXECUTIVE PERSONNEL (As used in chapter 15 of these rules) – Employees who customarily and regularly exercise discretionary powers in directing and controlling program operations of an agency or division or customarily recognized subdivision thereof and personnel who are responsible for (1) hiring or firing or making substantial recommendation for same and (2) directing the work of and (3) regulating the working hours of two or more employees.

EXEMPT POSITION – Any position designated as exempt from the application of these rules as specified in WAC 356–06–020.

FULL TIME EMPLOYMENT – Regularly scheduled employment requiring an average of 40 hours of work per week. However, for certification from a register, work between 32 – 40 hours per week shall be considered full time.

HANDICAPPED – Persons with physical, mental or sensory impairments that would impede that individual in obtaining and maintaining permanent employment and promotional opportunities. The impairments must be material rather than slight; static and permanent in that they are seldom fully corrected by medical replacement, therapy or surgical means.

HOLIDAYS – Paid nonwork days for state employees as established by RCW 1.16.050.

HOUSED PERSONNEL – Employees whose duties require that they reside at the place of their employment or who otherwise spend a substantial portion of their work time subject to call and not engaged in the performance of active duties.

HUMAN RESOURCE DEVELOPMENT – The function of achieving agency goals by changing or enhancing employees' knowledges, skills, attitudes and behaviors.

INTERMITTENT EMPLOYMENT – Employment without any understanding of continuity, fitting no particular pattern and performed for no more than a total of (nine months) 1560 hours during any consecutive 12–month period.

INTERVENING SALARY STEPS – All increment steps in a salary range, except the lowest and highest.

LAW ENFORCEMENT PERSONNEL – Employees empowered by statute to enforce laws designed to maintain public peace and order, protect life and property, and detect and prevent crimes. Employees in these positions must have the power of arrest, and have been trained in rules of evidence, laws of arrest, search and seizure and legal rights of citizens.

MINIMUM QUALIFICATIONS – The training, experience, and other qualifications established for a given class and required of an applicant for admission to the examination for that class.

NONCOMPETITIVE POSITIONS – Positions designated by the board as not requiring a competitive examination.

ORIENTATION – An introduction to the organization and to tasks, jobs, procedures and other activities new to the employee.

OVERTIME – Work authorized and performed in accordance with WAC 356–15–030.

PART TIME EMPLOYMENT – Work of less than 40 hours per week. However, for certification from registers, work of less than 32 hours per week shall be considered part time.

PERIODIC INCREMENT DATE – The date established in accordance with the Merit System Rule on which an employee is entitled to a salary increase within a salary schedule range as prescribed in the merit system rules.

PERMANENT EMPLOYEE – An employee who has successfully completed a probationary period and has had no break in service.

PERSONNEL RECORD – Such information having pertinence to the employment of an employee and which is retained in a specific location as required by WAC 356–46–060(2)A.

POSITION – A group of duties and responsibilities normally assigned to an employee. Such position may be filled or vacant, full–time or part–time, seasonal, temporary or permanent.

PREMIUM PAYMENT – Wage payment over and above the basic salary rate authorized by the board for extraordinary conditions of employment.

PROBATIONARY PERIOD – The trial period of employment following certification and appointment to, or reemployment in, the classified service and continuing for 6 to 12 months as determined under the provisions of WAC 356–30–260.

PROFESSIONAL PERSONNEL – Employees performing work which requires consistent exercise of independent judgment and is in a specialized field requiring advanced knowledge normally gained through achieving a baccalaureate degree but which may be gained through equivalent experience.

PROJECT EMPLOYMENT – A program designated by the director of personnel as "project employment", that is separately financed by a grant, federal funds, or by state funds, or by a combination of funds to provide training or employment opportunities or expertise or additional employees to carry out a specific project or goal and which, either because of the nature of the project, funding requirements, or potential harmful impact on employment opportunities for regular civil service employees, cannot be facilitated through the regular civil service system. Such a program may last upward to two years and beyond, but has an end in sight.

PROMOTION – A change of an employee from a position in one class to a position in a class having a higher maximum salary.

PROVISIONAL APPOINTMENT – An appointment to a position pending the establishment of a register for that class.

REDUCTION-IN-FORCE - A separation resulting from a lack of funds, lack of work, good faith reorganization for efficiency purposes, or from there being fewer positions than the employees entitled to the positions because of exercising their rights to return to the classified service. When a reduction-in-force occurs, it is a separation from service without cause on the part of the employee.

REDUCTION - Placement of an employee's salary at a lower step within the range as a result of a disciplinary action.

REEMPLOYMENT - An appointment, made from the reemployment register, of a former employee who had permanent status.

REGISTER - A list of eligible names established for employment or reemployment in a class.

REINSTATEMENT - Return of an employee to full employment rights by board action following appeal hearing.

RESIGNATION - A voluntary separation from employment.

REVERSION - Voluntary or involuntary movement of an employee during a six-month trial service period to the class which was held prior to the current trial service appointment.

SALARY RANGE - A sequence of minimum, intervening, and maximum dollar amounts designated by the board as the monthly compensation for a class.

SEASONAL EMPLOYMENT - Work that is cyclic in nature beginning and ending at approximately the same time every year and lasting for no more than nine months.

SENIORITY - A measure of the last period of unbroken time served in positions in the classified service under the jurisdiction of the state personnel board. Service in positions brought under the jurisdiction of the state personnel board by statute is counted as though it had previously been under the jurisdiction of the state personnel board. Leaves of absence granted by agencies and separations due to reduction-in-force are not considered a break in service. Time spent on leaves of absence without pay is not credited unless it is for educational leaves, or statutes require it be credited; or it is taken at the specific request of an agency so employees may perform work specifically related to state work. Time spent off the state payroll due to reduction-in-force will be credited for that period of time the employee is eligible to be placed on the ((~~RIF~~)) reduction-in-force register. Leaves without pay granted to directly or indirectly reduce the possible effect of ((~~an agency~~)) reduction-in-force will be credited in accordance with WAC 356-18-140 and 356-18-220. Leaves of absence without pay granted to employees who are drawing worker's compensation because of injury or illness while employed by the state will be credited. Time spent in exempt appointments listed in RCW 41.06.070 will be credited and the service will not be regarded as broken when employees return from exempt service in accordance to RCW 41.06.070(22), WAC 356-06-055((~~, 356-30-045~~)) and 356-30-330. Time spent under the jurisdiction of the higher education personnel board will be added when the employee comes under the jurisdiction of the state personnel board through the provisions of WAC ((~~356-06-055(4)~~)) 356-06-055(6). The length of active military service of a veteran, not to exceed five years, shall be added to the state service for such veteran or his widow.

SERIES - A group of classes of positions to which the same kind of work is assigned but which is at different levels of difficulty and responsibility.

SUPERVISOR - Any employee assigned responsibility by management to participate in all the following functions with respect to their subordinate employees: (1) Selection of staff, (2) training and development, (3) planning and assignment of work, (4) evaluation of performance, and (5) corrective action. Participation in these functions must not be of a merely routine nature but requires the exercise of individual judgment.

SUSPENSION - An enforced absence without pay for disciplinary purposes.

TANDEM EMPLOYMENT - Any position filled by more than one employee as voluntarily agreed between management and employee(s) who jointly fulfill the responsibilities and duties of the position(s).

TEMPORARY EMPLOYMENT - Single or multiple periods of employment during the absence of a permanent employee on leave; or for work done at a workload peak and normally lasting for less than nine months and having an end in sight.

TERMINATION - Separation from employment for reasons beyond the control of the employee.

TERMINATION LEAVE - The paid hours of nonworking time taken by an employee who is not eligible to receive a lump sum cash payment for accrued vacation leave. Termination leave is taken following the last designated work day prior to an employee's resignation, dismissal, or separation due to reduction-in-force or disability and continuing until all the employee's accrued vacation leave is exhausted.

TRAINING - An organized learning process designed to provide needed changes in the skills, knowledges, attitudes or behaviors of employees.

TRANSFER - The change of an employee from one to another classified position having the same salary range number.

TRIAL SERVICE PERIOD - A six-month trial period of employment of a permanent employee beginning with the effective date of the promotion or demotion or appointment from the promotional register.

TUITION REIMBURSEMENT - A full or partial reimbursement to eligible employees by the employing agency for tuition paid to attend approved courses.

UNDERFILL - The filling of a position with an employee in a lower related class in the absence of an adequate eligible register for the classification.

UNION SHOP - A form of union security that requires that all employees within a bargaining unit become members of the certified bargaining representative within 30 calendar days of the union shop election or 30 calendar days from an employee's date of hire, whichever is later.

UNION SHOP FEE - The union shop fee, sometimes known as a representation fee, is the fee paid by an employee to a union shop representative in lieu of holding

membership in that union. An employee who has been certified for nonmembership status because of bona fide religious tenets of a church or religious body of which the employee is a member, shall pay a fee equivalent to the regular monthly dues of the union shop representative minus any included monthly premiums for union sponsored insurance programs.

UNION SHOP REPRESENTATIVE – A union shop representative is an employee organization that is certified as exclusive bargaining representative for a bargaining unit and which has also been certified as union shop representative by the director of personnel. To be certified as union shop representative, a majority of all employees in the bargaining unit must vote in favor of having the petitioning employee organization as their union representative.

VETERAN – For the purpose of granting preference during layoffs and subsequent reemployment, any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge is given: PROVIDED, That the person has not voluntarily retired with 20 or more years of active military service and has military retirement pay in excess of $500 per month.

VETERAN'S WIDOW – For the purpose of granting preference during layoffs and subsequent reemployment, the unremarried wife of a deceased veteran as defined in WAC 356-06-010 except that such veteran's one-year minimum length of active military service shall be disregarded.

VOLUNTEER EXPERIENCE – Work experience for which no salary was received, which may be credited toward meeting the minimum qualifications for a classification: Provided such experience is equivalent to and not prohibited by the minimum qualifications of the classification. Volunteer experience for which academic credit was granted may be used to satisfy either the educational or the experience requirements of a class, but may not be used for both.

WORK DAY – A 24-hour period beginning at a time determined by the appointing authority. For scheduled standard work period positions the work day begins at the scheduled starting time of the employee.

WORK PERIOD DESIGNATION – Identification of each classification's and position's criteria for hours of work as defined in WAC 356-15-020 and qualifications for premium pay as defined in chapter 356-15 WAC.

WORK SCHEDULE – A series of workshifts and work days within the workweek.

WORKSHIFT – Scheduled working hours within the workday.

WORKWEEK – A regular recurring period of 168 hours beginning at a time determined by the appointing authority and continuing for seven consecutive 24-hour periods. For scheduled standard work period positions the workweek begins at the scheduled starting time of the first shift of the employee's uniform shifts.

Y-RATE – A salary amount which either exceeds the maximum step for the salary range of an employee's class or a salary amount that falls between the steps of a salary range of an employee's class.

NEW SECTION

WAC 356-18-105 TERMINATION LEAVE. (1) Employees who separate from the state service (voluntarily or involuntarily, except by death) and are not members of the public employees retirement system Plan 1 shall exhaust their accrued vacation leave to which they are entitled by taking termination leave.

(2) Termination leave time shall not be credited toward sick leave, periodic increments, or seniority.

(3) Employees may not take accrued sick leave during the period of termination leave.

WSR 82-22-020
ADOPTED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Order 177—Filed October 26, 1982]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98504, that it does adopt the annexed rules relating to:

Amd	*WAC 356-06-055	Exempt—Classified service—Movement between.
Amd	*WAC 356-15-080	Standby provisions and compensation.
New	WAC 356-34-117	Scheduling of hearings—Time allotted.
New	WAC 356-34-118	Hearings—Continuances.
New	WAC 356-34-119	Argument—Time limitation—Hearings.
New	WAC 356-42-055	Arbitration—Grievance—Procedure.
Amd	WAC 356-42-080	Unfair labor practice((~~—Hearings~~)).
New	WAC 356-42-082	Filing unfair labor practice charge.
New	WAC 356-42-083	Investigation of and disposition of unfair labor practice charges.
New	WAC 356-42-084	Answer to complaint—Unfair labor practice.
New	WAC 356-42-085	Amendment of complaint or answer—Unfair labor practice.
New	WAC 356-42-086	Hearing—Unfair labor practice.
New	WAC 356-42-088	Hearings and investigation—Unfair labor practice.
New	WAC 356-42-089	Enforcement—Unfair labor practice.
Amd	WAC 356-42-090	Impasse mediation.
Amd	WAC 356-42-100	Impasse arbitration.
Amd	*WAC 356-46-060	Agencies—Personnel records.

This action is taken pursuant to Notice Nos. WSR 82-12-034, 82-15-045, 82-15-073, *82-18-059 and 82-19-090 filed with the code reviser on May 27, 1982, July 16, 1982, July 21, 1982, *September 1, 1982, and September 22, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 41.06.150(17) and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 14, 1982.

By Leonard Nord
Secretary

AMENDATORY SECTION (Amending Order 175, filed 9/22/82)

WAC 356-06-055 EXEMPT—CLASSIFIED SERVICE—MOVEMENT BETWEEN. (1) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right to return to the highest class of position in which the employee previously held permanent status, or to a position of similar nature and salary, within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the personnel board may approve one extension of no more than four years; and (b) if an appointment was accepted prior to July 10, 1982, then the four-year period shall begin as of that date. Such employee must apply to return to classified service within 30 calendar days of:

(a) Termination of employment in such exempt position, or

(b) Termination of employment in any other exempt position in which the employee subsequently served provided there was no break in his/her service with the state of more than 30 calendar days.

(2) Any classified employee who holds a position in the classified service which is subsequently exempted and who previously held permanent status in another classified position shall have a right to return to the highest classified position in which the employee previously held permanent status or to a similar position. Such employee must apply to return to classified service within 30 calendar days of:

(a) Termination of employment in such exempt position, or

(b) Termination of employment in any other exempt position in which the employee subsequently served provided there was no break in his/her service with the state of more than 30 calendar days.

(3) Employees exercising return rights within the time specified, as provided in WAC 356-06-055, shall return:

(a) At the time of separation or application, whichever is later.

(b) To a salary not less than the salary they left, adjusted according to salary changes made in the interim.

(c) With the same status they last held at the time they left the classified service.

(d) With their seniority credited with the full time of their absence from the classified service and with no break in service.

(4) An employee's continuation in a position that has been exempted shall constitute the acceptance of an exempt appointment. The employee who accepts an appointment in this manner shall have the right of return as specified in subsection (1) of this section.

(5) Present or past employees of the exempt service who have not previously left the classified service specifically to take an exempt position shall not be entitled to move back into the classified service under the provisions of this section or WAC 356-30-045 or 356-30-330.

(6) Classified employees under the jurisdiction of the ((~~state institutions of~~)) higher education personnel board who are otherwise exempt from the right by WAC 356-06-020, and have been or are going to be separated because of reduction-in-force action shall be ((~~offered the opportunity to accept~~)) certified to any vacant classified positions under the jurisdiction of the state personnel board provided:

(a) The employees are qualified as determined by the director of personnel, or designee; and

(b) No other employees under the jurisdiction of the state personnel board are eligible to be certified from the ((~~RIF~~)) reduction-in-force registers, or transferred, or promoted into vacancies; and

(c) The employees have greater seniority than other such qualified employees under the jurisdiction of the higher education personnel board involved in reduction-in-force action; and

(d) The employees are being offered the opportunity according to the department of personnel procedure established for that purpose.

(7) Employees may replace incumbents currently in the positions to which they are returning. The replaced incumbents are entitled to the rights and options of the reduction-in-force procedures of their agency.

Employees in the classified service whose positions have been exempted from the civil service law in accordance with RCW 41.06.070 (21) or (22) and have not previously held other classified positions may return to the classified service in any vacant positions in their respective departments provided the employees:

(a) Meet the minimum qualifications;

(b) Have greater seniority than other employees who would be offered the vacancy(ies) as a reduction-in-force option or certifications from the reduction-in-force register.

AMENDATORY SECTION (Amending Order 161, filed 10/5/81)

WAC 356-15-080 STANDBY PROVISIONS AND COMPENSATION. (1) Requirements:

(a) An employee is in standby status when she/he is required to put in time (outside her/his normal working hours) during which both of the following conditions exist:

(i) She/He is required by her/his agency to remain in a specified duty station or predetermined location during specified hours.

(ii) She/He is required by her/his agency to be prepared to do full time work if the need arises, although the need for her/him to work might not arise.

NOTE: Standing by must include restriction to a specific location. When the nature of a duty station confines an employee during her/his off duty hours (e.g., a ship), and that duty station is a normal condition of work in the employee's position, standby compensation is not required merely because the employee is confined.

(b) An agency may issue a written policy stating that an employee is in standby status (b) (outside her/his normal working hours) when required to leave a telephone number with the agency or remain in communication with a dispatching authority to respond to a call to begin work in a specified time limit.

Standby status (b) shall not be considered time worked for any employee.

(2) Payment: Any scheduled or non scheduled work period employee required by her/his agency to stand by shall be paid the hourly standby rate as shown in the Standby Pay Schedule. Standby pay may be authorized for exceptions work period employees if the appointing authority deems it appropriate. For exceptions work period employees, standby may be compensated for by the use of compensatory time. This compensatory time shall be in an amount equivalent to the proportion of the hourly Salary Schedule salary that the hourly Standby Pay Schedule salary represents. Overtime pay and standby pay shall not be paid for the same hours. Shift differential premium and standby pay shall not be paid for the same hours.

(3) In cases where standby hours are scheduled over a number of months, agencies may pay standby pay at a monthly rate which is equal for all months in which an employee stands by. Such monthly rates shall be calculated by dividing the number of months containing standby time into the total amount of standby pay the employee would earn during those months if the hourly standby pay schedule identified in subsection (2) of this rule was applied. This option is granted to simplify bookkeeping and is not authorization to establish standby rates higher or lower than those set by the personnel board.

NEW SECTION

WAC 356-34-117 SCHEDULING OF HEARINGS—TIME ALLOTTED. In all hearings before the personnel board, the personnel board's hearings coordinator will set the date of the hearing and the amount of time allotted to each party for the hearing. Prior to setting the matter, the hearings coordinator will consult with all parties as to available dates and length of hearing.

NEW SECTION

WAC 356-34-118 HEARINGS—CONTINUANCES. Upon receipt of a notice of hearing, or as soon thereafter as circumstances necessitating a continuance come to its knowledge, any party desiring to continue the hearing to a later date shall make a request for continuance to the personnel board, or hearing examiner. All continuance requests shall be in writing and, in detail, shall specify the reasons the continuance is necessary. In passing upon a request for continuance, the personnel board, or hearing examiner, shall consider whether the request was promptly and timely made. For good cause shown, the personnel board, or hearing examiner, may grant a continuance and may at any time order a continuance on its or his/her own motion.

NEW SECTION

WAC 356-34-119 ARGUMENT—TIME LIMITATION—HEARINGS. As a general rule, the personnel board will restrict the argument portion of a proceeding to thirty minutes per side. The personnel board may grant additional time as it deems necessary under the circumstances.

NEW SECTION

WAC 356-42-055 ARBITRATION—GRIEVANCE—PROCEDURE. Whenever arbitration of a grievance is requested of the personnel board pursuant to an agreement as authorized by WAC 356-42-050(2), the procedure set forth below shall apply:

(1) The request for arbitration shall be in the form of a complaint. It shall be filed on a form supplied by the personnel board, or in a writing containing the same information as required on the form. The request shall state the following:

(a) The name, address and telephone number of the party filing the request, and the name, address and telephone number of any principal representative.

(b) The name, address and telephone number of the opposing party, and, if known, the opposing party's principal representative.

(c) Clear and concise statements of the facts upon which the grievance is based, including times, dates, places and participants in occurrences.

(d) A listing of the applicable sections of the collective bargaining agreement, rules, policies, etc., upon which the grievance is based and which are claimed to be violated. A copy of the collective bargaining agreement or of the pertinent sections of the agreement shall be attached to the request for arbitration.

(e) A statement of the relief sought.

(f) The signature and, if any, the title of the person filing the request for arbitration.

(2) A copy of the original grievance and copies of subsequent written statements of the grievance and the agency's written responses dated prior to submission of the grievance to mediation shall be attached to the request for arbitration.

(3) The personnel board's hearings coordinator shall review the request for arbitration to determine compliance with subsection (1) of this section. If the personnel board's hearings coordinator determines the request to be incomplete, he or she shall notify the person filing the request of the portions of the request which need to be supplemented or changed to comply with subsection (1) of this section. When the personnel board's hearings coordinator is satisfied that the request substantially complies with subsection (1) of this section he or she shall

mail, or otherwise cause to be served, the request on the opposing party(ies). Any refusal by the personnel board's hearings coordinator to serve the request for arbitration on the opposing party is reviewable by the personnel board upon motion of the requesting party.

(4) Within twenty days of service of the request for arbitration, or within such longer period as the personnel board may allow, the party receiving the same shall answer the allegations of fact and contentions set forth in the request by admitting, denying, or setting forth doubt as to the truth of or falsity of any particular alleged fact or contention. The answer shall be filed with the personnel board and served on the grievant, or, if represented, on the grievant's representative, all within the time provided. Failure to answer an allegation of fact within the time required, or admission of a fact in the answer, shall constitute a waiver by the answering party of the right to contest the fact in the arbitration proceeding, unless for good cause shown, the personnel board provides otherwise. At the discretion of the personnel board for good cause shown, the request or the answer may be amended at any time prior to the end of the arbitration hearing.

(5) After receipt of the answer, or if no answer is timely filed, the personnel board's hearings coordinator shall set the matter for arbitration. At least twenty days notice shall be given of the time and date of the arbitration unless both parties agree to a shorter time.

(6) The grievant shall have the burden of proof and shall go forward with the evidence.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71, effective 8/1/71)

WAC 356-42-080 UNFAIR LABOR PRACTICE((~~=HEARINGS~~)). ((~~(1)~~)) The personnel board, or its designee whose final decision is appealable to the personnel board, is empowered and directed to prevent any unfair labor practice and to issue appropriate remedial orders. This power shall not be affected or impaired by any means of adjustment, mediation or conciliation in labor disputes that have been or may hereafter be established by law.

((~~(2) Unfair labor practice charges shall be filed on such form or forms provided by the board or its designee and shall contain the following:~~

~~(a) The name and address of the employing agency.~~

~~(b) The name and address of the party or organization filing the charge.~~

~~(c) A statement as to the basis of the charge which shall be specific as to facts, names, addresses, dates and places.~~

~~(3) Upon receipt of an unfair labor practice charge, the board or its designee shall conduct an investigation to determine whether or not the charges are frivolous or substantially without merit. If it is found that the charges are not frivolous or are not without substantial merit, a complaint shall be issued and a hearing scheduled, as provided by these Rules.~~

~~(4) Whenever a charge has been made concerning any unfair labor practice, the board or its designee shall have power to issue and cause to be served a complaint stating the charges in that respect and containing a notice of hearing before the board or its designee at a place therein fixed to be held not less than seven days after the serving of said complaint. Any such complaint may be amended by the board or its designee any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint within five days after the service of such original or amended complaint and to appear in person or otherwise to give testimony at the place and time set in the complaint. In the discretion of the board or its designee, any other person may be allowed to intervene in the said proceedings and to present testimony. In any such proceeding the board or its designee shall not be bound by technical rules of evidence prevailing in the courts of law or equity.~~

~~(5) For the purpose of all hearings and investigations, which, in the opinion of the board or its designee, are necessary and proper for the exercise of the powers vested in it by this act, the board or its designee shall at all reasonable times have access to, for the purposes of examination, and the right to examine, copy or photograph any evidence, including payrolls or lists of employees, of any person being investigated or proceeded against that relates to any matter under investigation or in question. The board or its designee shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the board or its designee. The board or its designee may administer oaths and affirmations, examine witnesses, and receive evidence.~~

~~(6) The board or its designee whose final decision is appealable to the board or any party to the proceedings 30 days after the board or its designee has entered its findings of fact shall have power to petition the Superior Court of the State within the county wherein the unfair labor practice in question occurred or wherein any person charged with the unfair labor practice resides or transacts business, or if such court be on vacation or in recess, then to the Superior Court of any county adjoining the county wherein the unfair labor practice in question occurred or wherein any person charged with the unfair labor practice resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was made and the findings and order of the board or its designee. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the board or its designee.~~))

NEW SECTION

WAC 356-42-082 FILING UNFAIR LABOR PRACTICE CHARGE. (1) A charge or charges that

any employing agency or employee organization has committed an unfair labor practice, as defined in these rules and RCW 41.56.150, may be filed with the personnel board by any employee, group of employees, employee organization, employing agency, or their authorized agents.

(2) Unfair labor practice charges shall be filed with the director of personnel, as secretary to the personnel board, at the principal office of the department of personnel.

(3) Unfair labor practice charges shall be in writing in the form of a complaint of unfair labor practices, or on a form provided by the personnel board or its designee. The charge shall contain the following:

(a) The name, address and telephone number of the charging party, and the name, address and telephone number of the party's principal representative, if any.

(b) The name, address and telephone number of the party against whom the charge is being filed, and, if known, the principal representative of the charged party.

(c) Clear and concise statements of the facts constituting the alleged unfair labor practice(s), including times, dates, places and participants in occurrences.

(d) A listing of the specific unfair labor practice(s) alleged to have been committed including reference to the applicable subsection(s) of the statute and regulation defining unfair labor practices. If the charging party is not represented, this subsection may be left blank pending the investigation of the charge.

(e) A statement of the relief sought by the charging party.

(f) The signature and, if any, the title of the person filing the charge.

NEW SECTION

WAC 356-42-083 INVESTIGATION OF AND DISPOSITION OF UNFAIR LABOR PRACTICE CHARGES. (1) Upon receipt of a properly completed unfair labor practice charge, the director of personnel's designee shall conduct an investigation to determine whether or not the charge(s) is frivolous or substantially without merit. If it is found that the charge(s) is not frivolous or is not without substantial merit, a complaint shall be issued. If the charge(s) is found to be frivolous or substantially without merit, the charge(s) shall be dismissed. Dismissal of the charge is appealable to the personnel board.

(2) If a charge does not contain all of the information required by WAC 356-42-082(3), the director of personnel or designee shall return the charge to the charging party for inclusion of the required information. If a complaint is issued, it shall be in the same form as the charge.

(3) The director of personnel or designee shall mail, or otherwise cause to be served, the complaint to the charged party.

NEW SECTION

WAC 356-42-084 ANSWER TO COMPLAINT—UNFAIR LABOR PRACTICE. (1) The charged party shall have the right to file its answer to the unfair labor practice complaint with the personnel board within five days of service of the complaint, exclusive of Saturdays, Sundays, and holidays. After the expiration of such time period, the charged party shall no longer have the right to file an answer and may do so only if the personnel board, for good cause shown, permits an answer to be filed. The charged party shall serve its answer on the charging party when it files its answer with the personnel board.

(2) The answer shall specifically admit, deny or explain each of the facts alleged in the complaint. If the charged party is without knowledge sufficient to form a belief as to the truth or falsity of any specific allegation, that fact shall be so stated and shall operate as a denial of that allegation. Failure to answer all or any part of the complaint within the time required shall, except for good cause shown, be deemed an admission of such allegation(s) not answered.

(3) Facts admitted in the answer, either by specific admission or failure to answer as required, except for good cause shown, shall be considered true for purposes of the remainder of the unfair labor practice proceeding, and shall constitute a waiver by the charged party of a hearing as to the facts so admitted.

NEW SECTION

WAC 356-42-085 AMENDMENT OF COMPLAINT OR ANSWER—UNFAIR LABOR PRACTICE. The personnel board may allow a complaint or answer to be amended at any time before the close of the hearing, upon motion of the party concerned, for good cause shown and upon such terms as the personnel board may deem appropriate under the circumstances. Timeliness in making the motion shall be a factor in determining whether it will be granted.

NEW SECTION

WAC 356-42-086 HEARING—UNFAIR LABOR PRACTICE. (1) After receipt of the answer of the charged party, the personnel board, or its designee, shall set the matter for hearing. The parties shall each be given at lease twenty days notice of the hearing, unless they agree to waive such notice.

(2) The charging party shall prosecute the complaint and shall have the burden of proof.

(3) The hearing shall be limited to the issues and questions of fact raised by the complaint and answer of the parties.

(4) The technical rules of evidence prevailing in the courts need not be applied by the personnel board except for the rules of privilege.

NEW SECTION

WAC 356-42-088 HEARINGS AND INVESTIGATION—UNFAIR LABOR PRACTICE. For the purpose of all hearings and investigations, which, in the opinion of the personnel board or its designee, are necessary and proper for the exercise of the powers vested in it by chapter 41.56 RCW, the personnel board or its designee shall, at all reasonable times, have access to, for the purposes of examination, and the right to examine,

copy or photograph any evidence, including payrolls or lists of employees, of any person being investigated or proceeded against that relates to any matter under investigation or in question. The personnel board or its designee shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the personnel board or its designee. The personnel board or its designee may administer oaths and affirmations, examine witnesses, and receive evidence.

NEW SECTION

WAC 356-42-089 ENFORCEMENT—UNFAIR LABOR PRACTICE. The personnel board or any party to the proceedings, at least thirty days after the personnel board has entered its findings of fact, conclusions of law and order, shall have power to petition the superior court for enforcement of its order and for appropriate temporary relief or restraining order, all as provided in RCW 41.56.190.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71, effective 8/1/71)

WAC 356-42-090 IMPASSE MEDIATION. If agreement cannot be reached within a reasonable time in collective negotiation between the appointing authority or designee and the certified exclusive representative of the employees in the bargaining unit, either party may submit the issues in dispute to the director of personnel or ((~~his~~)) designee, who shall confer with both parties in an effort to resolve the dispute.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71, effective 8/1/71)

WAC 356-42-100 IMPASSE ARBITRATION. If the director of personnel is unable to ((~~resolve the dispute~~)) bring the parties to agreement through mediation, the appointing authority or designee or the certified exclusive representative may submit ((~~such~~)) the dispute to the personnel board. As soon as practicable after submission of the dispute to arbitration each party shall file with the personnel board a summary of:

(1) The matters in dispute;

(2) The position of the party on the matters in dispute; and

(3) Desired contract language.

The personnel board shall then schedule and hold a hearing ((~~and~~)). The decision of the personnel board shall be final and binding.

AMENDATORY SECTION (Amending Order 144, filed 5/9/80)

WAC 356-46-060 AGENCIES—PERSONNEL RECORDS. (1) Each agency shall maintain a record of each employee showing the name, title, position held, ((~~the unit within the division to which assigned, the~~)) organizational assignment, salary, changes of employment status, attendance, leaves, and such other information as may be necessary for the administration of regulations. ((~~All~~)) Personnel records((~~, including employee service records and ratings,~~)) shall be open to the inspection of the personnel board and shall accompany the employee throughout his/her service career.

(2)(((~~a~~))) Agencies shall publish policies pertaining to the retention and confidentiality of personnel records which are consistent with ((~~these rules and which shall identify for purposes of these rules the official depository and custodian for said records.~~)) the following requirements:

(a) Agencies shall designate the official depository and custodian of personnel records.

(b) Agencies shall ensure that employees have knowledge of all job performance information inserted into the personnel record pertaining to the employee. ((~~Job performance information shall remain as part of an employee's personnel record for a period as provided by chapter 40.14 RCW.~~))

(c) Employees and/or their representatives may review ((~~their own~~)) the employee's personnel records, subject to policies of the employing agency.

(d) Employees or their representatives contesting allegedly erroneous, prejudicial, or otherwise adverse information in ((~~their~~)) the employee's personnel records may insert rebuttal or refuting documentation into their personnel records.

(e) Information in the personnel records relating to employee misconduct shall be destroyed in accordance with policies established in chapter 40.14 RCW in situations where the employee is exonerated or where the information is found to be false. The agency's record retention plan shall provide for the prompt destruction of this information.

(f) Information relating to employee misconduct committed in the performance of off-duty activities shall be placed in the personnel records and retained by the agency in accordance with policies established in chapter 40.14 RCW, only where said information has a reasonable bearing on the employee's job performance. Employees may request that such information be removed from their personnel record at the conclusion of the retention period. The information may be retained by the agency if it has a reasonable bearing on the efficient and effective management of the agency.

(g) Information relating to employee misconduct that is committed in the performance of state business shall be maintained by the agency for a minimum of six years or in accordance with policies established in chapter 40.14 RCW. Employees may request that such information be removed from their personnel record at the conclusion of the retention period. The information may be retained by the agency if it has a reasonable bearing on the efficient and effective management of the agency.

(h) Notwithstanding paragraphs (e), (f) and (g) of this section, agencies may retain information relating to employee misconduct or alleged misconduct if the employee requests that the information be retained or if agency management reasonably expects that the information will be needed in a pending or prospective legal action.

(3) The agency shall submit its policy relating to the retention and confidentiality of personnel records to the director of personnel for approval and filing.

WSR 82-22-021
ADOPTED RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 1894—Filed October 26, 1982]

I, David A. Hogan, director of the Division of Administration, do promulgate and adopt at Olympia, Washington, the annexed rules relating to general assistance, amending chapter 388-37 WAC.

This action is taken pursuant to Notice No. WSR 82-18-083 filed with the code reviser on September 1, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 13, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1681, filed 7/17/81)

WAC 388-37-010 CONTINUING GENERAL ASSISTANCE—EXCLUSIONS. (1) Continuing general assistance is a state financed program which provides for the needs of some persons who are not eligible for a federal aid grant; except as provided in WAC 388-37-010(2) and whose need is expected to continue for more than a sixty day period, except as provided in ((~~WAC 388-37-030(3)(d)~~)) WAC 388-37-038 (1) through (4).

(2) Continuing general assistance cannot be granted to a person eligible for or receiving AFDC or to a person eligible for or whose needs are being met by supplemental security income with the following exceptions:

(a) An applicant who appears to be eligible for SSI may receive continuing general assistance payments until the date of receipt of the initial SSI payment provided that:

(i) The applicant applies;

(ii) The applicant assigns the initial SSI payment to DSHS up to the amount of the GAU provided to the applicant pending approval of the SSI application;

(iii) The applicant meets all other general assistance eligibility requirements.

(b) ((~~If the amount of the initial SSI payment recovered by DSHS does not meet the amount paid as GAU, the balance must be treated as an overpayment.~~

~~If the SSI benefit is less than the GAU payment standard because the SSI is based on a different living arrangement than that authorized under the GAU program, the difference will not be considered an overpayment, provided the applicant has appealed the SSI determination and lost the final appeal.~~

~~(c)~~)) An AFDC parent in need of intensive treatment (thirty days or less) in an approved alcoholic treatment facility may be granted continuing general assistance for the cost of treatment. This payment is made through the vendor billing procedure.

((~~(d)~~)) (c) Effective March 31, 1981, an SSI recipient whose SSI check has been lost, stolen, missent or otherwise delayed, provided that the recipient agrees in writing to repay the amount of GA-U assistance issued, and the applicant meets all other GA-U eligibility requirements.

(3) Continuing general assistance cannot be granted to a recipient of supplemental security income when he is subject to any sanction for failure to comply with SSI eligibility requirements.

(4) When an SSI check is lost in the mail system, issuance of GA-U will be held in abeyance for ten working days from the first of the month in which the check was issued to allow the warrant to be returned or delivered. If the recipient has an emergent need, the ten-day period may be waived by the CSO administrator.

(5) When determining the amount of the initial SSI payment, do not include any advance payment or payment based upon presumptive disability or presumptive blindness. These payments are not considered SSI benefit payments for interim assistance purposes.

(a) The state cannot be reimbursed for any GAU authorized during the time period these payments cover.

(b) If the amount of the initial SSI payment recovered by DSHS does not meet the amount paid as GAU, the balance must be treated as an overpayment. The period covered by any advance or presumptive payments is not included in this computation.

If the SSI benefit is less than the GAU payment standard because the SSI is based on a different living arrangement than that authorized under the GAU program, the difference will not be considered an overpayment, provided the applicant has appealed the SSI determination and lost the final appeal.

AMENDATORY SECTION (Amending Order 1661, filed 6/3/81)

WAC 388-37-032 CONTINUING GENERAL ASSISTANCE—DETERMINATION OF INCAPACITY. (1) Eligibility due to incapacity shall be determined by ((~~an~~)) a CSO incapacity review team in accordance with the criteria in WAC 388-37-035.

(2) The incapacity review team shall:

(a) ((~~Beginning May 15, 1981,~~)) Consider medical and other related evidence of the incapacitating condition and make a decision confirming or denying the existence of eligibility due to incapacity within forty-five days of the date of application, except in circumstances beyond the control of the agency such as failure or delay in securing necessary information or documentation on

the part of the applicant, the examining physician or other source of documentation.

(b) Request additional information when necessary.

(c) Determine probable duration of incapacity. The probable duration shall be related to the prognosis for the condition as predicted by the medical evidence but shall not exceed twelve months without a redetermination of incapacity.

(d) Recommend available medical treatment which can reasonably be expected to render the client able to work.

(3) ((~~Beginning May 15, 1981,~~)) Eligibility cannot be established if an applicant ((~~or recipient~~)) fails to cooperate in obtaining information documenting incapacity. Continued failure to so cooperate during the ten-day period following the mailing of a letter to the applicant's ((~~or recipient's~~)) last known address specifically citing the required cooperation shall be grounds for denial of the application for((~~, or termination of,~~)) assistance (see WAC 388-38-265).

(4) Cost of necessary medical reports to determine incapacity shall be paid by the department. Payment for such reports shall not be made to DSHS agencies.

AMENDATORY SECTION (Amending Order 1819, filed 6/2/82)

WAC 388-37-035 INCAPACITY—DETERMINATION OF INCAPACITY. (1) The term "incapacity" refers to the existence of a physiological, emotional and/or mental impairment which renders the person incapable of gainful employment.

(a) Such incapacity must be verified by medical evidence as specified in WAC 388-37-035(2).

(b) The person must be substantially prevented by reason of the impairment from engaging in a useful occupation. Reasons for unemployment other than incapacity, such as individual employer preferences, business and economic conditions, social handicaps, etc., are not factors to be considered in determining his inability to obtain and continue in employment.

(2) The source of evidence for physiological incapacity will be a written report from a physician ((~~or chiropractor;~~)) for a mental incapacity, the source may be a report from a psychiatrist ((~~or~~)), clinical psychologist, or mental health professional. Supplemental medical evidence may be obtained from ((~~other~~)) a nurse practitioner, physician's assistant, or DSHS institutions and agencies from which the individual is receiving or has received services. Such reports must include a diagnosis and prognosis for the incapacitating condition and the effect of the condition on the individual's ability to function.

(3) The determination of incapacity will be made on the facts of each case. This requires evaluation of the severity of the impairment and its effect on the individual, and consideration of the individual's abilities, so that it can be determined whether there remains a capacity to engage in a useful occupation.

((~~(4) Incapacity due to mental disorders shall be determined on the basis of actual and specific impairment of faculties necessary for the person to be able to engage in gainful employment. The fact that an individual may be receiving treatment for a mental health problem is not in itself evidence that incapacity exists.~~

~~(5) Such incapacity will be determined on the basis of evidence that the individual:~~

~~(a) Is unable to exercise judgment and make decisions necessary to obtain and maintain employment.~~

~~(b) Is unable to sustain an adequate attention span.~~

~~(c) Manifests bizarre or inappropriate behavior patterns beyond his capability to control.~~

~~(d) Does not have the degree of physical and motor control required to sustain employment.~~

~~(e) Does not have perception and memory to the degree necessary to obtain and sustain employment.~~

~~(f) Is unable to follow directions or to learn to the degree necessary to obtain and sustain employment.~~

~~(g) Is under medication which impairs functioning.~~

~~(h) Any one or a combination of the conditions in subdivisions (a) through (g) may be sufficient to establish incapacity.~~

~~(6) Incapacity will be considered to be established without an incapacity review team decision when the person:~~

~~(a) Deleted;~~

~~(b) Has been determined to be eligible for any benefits based on social security administration disability criteria;~~

~~(c) Is eligible for services from the division of developmental disabilities;~~

~~(7) Incapacity will be considered established for a period of sixty days without an incapacity review team decision when the person is being released from inpatient psychiatric treatment.~~

~~(8) Incapacity due to alcoholism will be considered to be established when an individual is admitted as a resident into intensive or long-term treatment at an alcoholism treatment center or recovery house services as defined in WAC 275-19-020.~~

~~(9) Incapacity due to abuse of drugs other than alcohol will be considered to be established for a designated period when an individual is admitted as a resident into a certified residential drug treatment program, or certified detoxification program or is accepted into a certified methadone (or approved substitute) maintenance program.~~

~~(a) In accordance with the above criteria, incapacity will be considered to be established for the following maximum periods of time:~~

~~(i) Detoxification—thirty days.~~

~~(ii) Maintenance—sixty days.~~

~~(iii) Residential treatment—sixty days.~~

~~(b) Assistance shall not be continued beyond the initial period of time described in subdivision (9)(a) of this section without an incapacity review team decision.~~

~~(10) If the person claiming incapacity due to alcoholism or drug abuse does not meet the criteria in subsections (8) or (9) of this section, incapacity will be determined by evidence that:~~

~~(a) Pathological or demonstrable organic damage has resulted from chronic alcoholism or drug abuse, or~~

~~(b) The individual, as a result of the addiction, has his judgment so impaired that he is incapable of realizing and making a rational decision with respect to his need~~

~~for treatment and constitutes a danger to himself, to any other person, or to property.~~

~~(11) Individuals who are found to be incapacitated due to alcoholism or drug abuse must be participating in an approved alcoholism or certified drug treatment program.~~

~~(12) An individual who refuses to accept and follow through on available treatment when such treatment is recommended shall not be eligible.~~

~~(13) The use of drugs or alcohol of itself is not evidence that an incapacitating condition exists.~~))

NEW SECTION

WAC 388-37-036 INCAPACITY—FUNCTIONAL, MENTAL DISORDERS. Incapacity due to mental disorders shall be determined on the basis of demonstrable clinical signs and laboratory findings, which provide evidence of significant impairment of ability to work. Impairment of ability to work is reflected in restriction of daily activities and/or constriction of interests and/or impaired ability to care for self and/or impaired ability to relate to others. In addition, one of the following clinical signs or laboratory findings must be present:

(1) The individual with organic brain syndrome demonstrates deterioration in intellectual functioning, manifested by one or more of the following clinical signs:

(a) Marked memory defect for recent events; or

(b) Impoverished, slowed, perseverative thinking, with confusion or disorientation; or

(c) Labile, shallow, or coarse affect.

(2) The individual with functional psychotic disorder manifests one or more of the following clinical signs:

(a) Depression (or elation); or

(b) Agitation; or

(c) Psychomotor disturbances; or

(d) Hallucinations or delusions; or

(e) Autistic or other regressive behavior; or

(f) Inappropriateness of affect; or

(g) Illogical association of ideas.

(3) The individual with functional nonpsychotic disorder (including addictive dependence on alcohol or drugs) manifests one or more of the following clinical signs:

(a) Demonstrable and persistent structural changes mediated through psychophysiological channels (e.g., duodenal ulcer); or

(b) Recurrent and persistent periods of anxiety, with tension, apprehension, and interference with concentration and memory; or

(c) Persistent depressive affect with insomnia, loss of weight, and suicidal preoccupation; or

(d) Persistent phobic or obsessive ruminations with inappropriate, bizarre, or disruptive behavior; or

(e) Persistent compulsive, ritualistic behavior; or

(f) Persistent functional disturbance of vision, speech, hearing, or use of a limb with demonstrable structural or trophic changes; or

(g) Persistent, deeply ingrained, maladaptive patterns of behavior manifested by either:

(i) Seclusiveness or autistic thinking; or

(ii) Pathologically inappropriate suspiciousness or hostility.

(4) The individual with mental retardation manifests significant limitations in mental and social functioning.

AMENDATORY SECTION (Amending Order 1661, filed 6/3/81)

WAC 388-37-037 CONTINUING GENERAL ASSISTANCE—REFUSAL TO ACCEPT AVAILABLE AND RECOMMENDED MEDICAL TREATMENT. (1) A continuing general assistance applicant or recipient who refuses without good cause to accept available recommended medical treatment, which can reasonably be expected to render him able to work shall be ineligible. The decision that the client has refused such treatment without good cause is based on the best objective judgment of the CSO incapacity review team.

(2) "Available medical treatment" shall mean and include medical, surgical, or mental health services, or any combination thereof.

(3) "Reasonably be expected to render him able to work" shall mean that in the opinion of the ((~~medical consultant~~)) incapacity review team, the recommended treatment will restore or substantially improve the individual's ability to work for pay in a regular and predictable manner.

(4) For the purposes of this section, an applicant or recipient has good cause to refuse recommended medical treatment when((~~, according to the best objective judgment of the CSO review team, confirmed by the CSO administrator and the medical consultant,~~)) such refusal is based upon one or more of the following conditions:

(a) The individual is genuinely fearful of undergoing recommended treatment. Such fear may appear to be unrealistic or irrational; however, fear exists in such a degree that treatment would be adversely affected((.));

(b) The individual could lose a faculty, or the remaining use of faculty he now has, and refuses to accept the risk;

(c) Because of his definitely stated religious scruples, the individual will not accept recommended medical treatment.

(5) Refusal to follow through with available recommended medical treatment without good cause shall result in termination until the person agrees to cooperate in accepting such treatment and the following ineligibility periods have passed:

(a) First refusal – one week;

(b) Second refusal within six months – one month;

(c) Third and subsequent refusals within one year – two months.

NEW SECTION

WAC 388-37-038 INCAPACITY—INCAPACITY REVIEW TEAM DECISION. (1) Incapacity will be considered to be established without an incapacity review team decision when the person:

(a) Has been determined to be eligible for any benefits based on social security administration disability criteria;

(b) Is eligible for services from the division of developmental disabilities.

(2) Incapacity will be considered established for a period of sixty days without an incapacity review team decision when the person is being released from inpatient psychiatric treatment.

(3) Incapacity due to alcoholism will be considered to be established when an individual is admitted as a resident into intensive or long-term treatment at an alcoholism treatment center or recovery house services as defined in WAC 275-19-020, according to the time limits in WAC 388-37-060.

(4) Incapacity due to abuse of drugs other than alcohol will be considered to be established for a designated period when an individual is admitted as a resident into a certified residential drug treatment program, or certified detoxification program or is accepted into a certified methadone (or approved substitute) maintenance program.

(a) In accordance with the above criteria, incapacity will be considered to be established for the following maximum periods of time:

(i) Detoxification—thirty days.

(ii) Maintenance—sixty days.

(iii) Residential treatment—sixty days.

(b) Assistance shall not be continued beyond the initial period of time described in subdivision (4)(a) of this section without an incapacity review team decision.

(5) Individuals who are found to be incapacitated due to alcoholism or drug abuse must be participating in an approved alcoholism or certified drug treatment program.

AMENDATORY SECTION (Amending Order 1661, filed 6/3/81)

WAC 388-37-040 CONTINUING GENERAL ASSISTANCE—STANDARDS FOR REQUIREMENTS—AUTHORIZATION. (1) The rules and procedures for payment of federal aid grants shall apply to continuing general assistance except that vendor payments may be made when payment by warrant is not possible or practical.

(2)(a) When incapacity is established a continuing grant shall be authorized to continue for the probable duration of the incapacity. The recipient shall be notified of the termination date at the time the grant is opened.

(b) ((~~Beginning May 15, 1981,~~)) If more than forty-five days are required to determine incapacity, and if incapacity is determined to have existed on the date of application, assistance shall be granted effective the forty-fifth day after application, per WAC 388-33-115.

A continuing grant shall not be authorized until incapacity is established by the CSO incapacity review team.

(3) Continuing assistance shall not be authorized following the termination date specified in subsection (2) of this section until continuing incapacity has been redetermined by the CSO incapacity review team.

(4) ((~~If assistance is terminated because the redetermination of incapacity is delayed for reasons beyond the recipient's control, and continuing incapacity is subsequently redetermined, assistance shall be authorized effective the day following the date of termination.~~)) If a recipient is terminated due to lack or insufficiency of medical evidence to establish incapacity, he/she shall be reinstated the day following the date of termination, if all the following conditions are met:

(a) The lack or insufficiency of medical evidence is not due to failure of the recipient to cooperate in gathering said evidence; and

(b) Additional medical evidence is provided subsequent to the termination, which establishes that the recipient has been, and continues to be, incapacitated since the date of termination; and

(c) The additional medical evidence substantiates incapacity as specified in WAC 388-37-010(1) and 388-37-035.

AMENDATORY SECTION (Amending Order 1102, filed 3/2/76)

WAC 388-37-050 CONTINUING GENERAL ASSISTANCE—REDETERMINATION OF ELIGIBILITY. (1) Continuing general assistance recipients shall have their continued financial eligibility for such assistance redetermined at least once every six months of continuous receipt of assistance.

(2) When an unemployable recipient of general assistance becomes employable, his eligibility ceases. This decision is made by the CSO incapacity review team.

(3) Whenever a general assistance recipient becomes eligible for AFDC or SSI benefits, he becomes ineligible for continuing general assistance.

(4) Acceptance of available medical treatment. WAC 388-37-037 applies to a recipient as well as to an applicant.

(5) Recipients of continuing general assistance shall be screened to determine appropriateness of referral ((~~for vocational rehabilitation services and SSI eligibility determination. A recipient who has been referred and refuses without good cause to utilize such services shall be ineligible~~)) to other agencies, i.e., SSA, SSI, DVR, VA, which can reasonably be expected to reduce their need for assistance. The decision to recommend referral to other agencies is made by the CSO incapacity review team. A recipient who has been referred and refuses, without good cause to accept referral to other agencies shall be ineligible. The decision on whether the client had good cause to refuse referral to another agency is made by the CSO incapacity review team. Refusal to accept recommended referral to other agencies without good cause shall result in termination until the person agrees to cooperate in accepting such referral and the following ineligibility periods have passed:

(a) First refusal - one week;

(b) Second refusal within six months - one month;

(c) Third and subsequent refusals within one year - two months.

WSR 82-22-022
EMERGENCY RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1890—Filed October 26, 1982]

I, David A. Hogan, director of the Division of Administration, do promulgate and adopt at Olympia, Washington, the annexed rules relating to general assistance, amending chapter 388-37 WAC.

I, David A. Hogan, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are necessary to implement Executive Order 82-13.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 22, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1681, filed 7/17/81)

WAC 388-37-010 CONTINUING GENERAL ASSISTANCE—EXCLUSIONS. (1) Continuing general assistance is a state financed program which provides for the needs of some persons who are not eligible for a federal aid grant; except as provided in WAC 388-37-010(2) and whose need is expected to continue for more than a sixty day period, except as provided in ((~~WAC 388-37-030(3)(d)~~)) WAC 388-37-038 (1) through (4).

(2) Continuing general assistance cannot be granted to a person eligible for or receiving AFDC or to a person eligible for or whose needs are being met by supplemental security income with the following exceptions:

(a) An applicant who appears to be eligible for SSI may receive continuing general assistance payments until the date of receipt of the initial SSI payment provided that:

(i) The applicant applies;

(ii) The applicant assigns the initial SSI payment to DSHS up to the amount of the GAU provided to the applicant pending approval of the SSI application;

(iii) The applicant meets all other general assistance eligibility requirements.

(b) ((~~If the amount of the initial SSI payment recovered by DSHS does not meet the amount paid as GAU, the balance must be treated as an overpayment.~~

~~If the SSI benefit is less than the GAU payment standard because the SSI is based on a different living arrangement than that authorized under the GAU program, the difference will not be considered an overpayment, provided the applicant has appealed the SSI determination and lost the final appeal.~~

~~(c)~~))) An AFDC parent in need of intensive treatment (thirty days or less) in an approved alcoholic treatment facility may be granted continuing general assistance for the cost of treatment. This payment is made through the vendor billing procedure.

((~~(d)~~))) (c) Effective March 31, 1981, an SSI recipient whose SSI check has been lost, stolen, missent or otherwise delayed, provided that the recipient agrees in writing to repay the amount of GA-U assistance issued, and the applicant meets all other GA-U eligibility requirements.

(3) Continuing general assistance cannot be granted to a recipient of supplemental security income when he is subject to any sanction for failure to comply with SSI eligibility requirements.

(4) When an SSI check is lost in the mail system, issuance of GA-U will be held in abeyance for ten working days from the first of the month in which the check was issued to allow the warrant to be returned or delivered. If the recipient has an emergent need, the ten-day period may be waived by the CSO administrator.

(5) When determining the amount of the initial SSI payment, do not include any advance payment or payment based upon presumptive disability or presumptive blindness. These payments are not considered SSI benefit payments for interim assistance purposes.

(a) The state cannot be reimbursed for any GAU authorized during the time period these payments cover.

(b) If the amount of the initial SSI payment recovered by DSHS does not meet the amount paid as GAU, the balance must be treated as an overpayment. The period covered by any advance or presumptive payments is not included in this computation.

If the SSI benefit is less than the GAU payment standard because the SSI is based on a different living arrangement than that authorized under the GAU program, the difference will not be considered an overpayment, provided the applicant has appealed the SSI determination and lost the final appeal.

AMENDATORY SECTION (Amending Order 1661, filed 6/3/81)

WAC 388-37-032 CONTINUING GENERAL ASSISTANCE—DETERMINATION OF INCAPACITY. (1) Eligibility due to incapacity shall be determined by ((~~an~~)) a CSO incapacity review team in accordance with the criteria in WAC 388-37-035.

(2) The incapacity review team shall:

(a) ((~~Beginning May 15, 1981,~~)) Consider medical and other related evidence of the incapacitating condition and make a decision confirming or denying the existence of eligibility due to incapacity within forty-five days of the date of application, except in circumstances beyond the control of the agency such as failure or delay in securing necessary information or documentation on

the part of the applicant, the examining physician or other source of documentation.

(b) Request additional information when necessary.

(c) Determine probable duration of incapacity. The probable duration shall be related to the prognosis for the condition as predicted by the medical evidence but shall not exceed twelve months without a redetermination of incapacity.

(d) Recommend available medical treatment which can reasonably be expected to render the client able to work.

(3) ((~~Beginning May 15, 1981;~~)) Eligibility cannot be established if an applicant ((~~or recipient~~)) fails to cooperate in obtaining information documenting incapacity. Continued failure to so cooperate during the ten-day period following the mailing of a letter to the applicant's ((~~or recipient's~~)) last known address specifically citing the required cooperation shall be grounds for denial of the application for((~~, or termination of,~~)) assistance (see WAC 388-38-265).

(4) Cost of necessary medical reports to determine incapacity shall be paid by the department. Payment for such reports shall not be made to DSHS agencies.

AMENDATORY SECTION (Amending Order 1819, filed 6/2/82)

WAC 388-37-035 INCAPACITY—DETERMINATION OF INCAPACITY. (1) The term "incapacity" refers to the existence of a physiological, emotional and/or mental impairment which renders the person incapable of gainful employment.

(a) Such incapacity must be verified by medical evidence as specified in WAC 388-37-035(2).

(b) The person must be substantially prevented by reason of the impairment from engaging in a useful occupation. Reasons for unemployment other than incapacity, such as individual employer preferences, business and economic conditions, social handicaps, etc., are not factors to be considered in determining his inability to obtain and continue in employment.

(2) The source of evidence for physiological incapacity will be a written report from a physician ((~~or chiropractor,~~)) for a mental incapacity, the source may be a report from a psychiatrist ((~~or~~)), clinical psychologist, or mental health professional. Supplemental medical evidence may be obtained from ((~~other~~)) a nurse practitioner, physician's assistant, or DSHS institutions and agencies from which the individual is receiving or has received services. Such reports must include a diagnosis and prognosis for the incapacitating condition and the effect of the condition on the individual's ability to function.

(3) The determination of incapacity will be made on the facts of each case. This requires evaluation of the severity of the impairment and its effect on the individual, and consideration of the individual's abilities, so that it can be determined whether there remains a capacity to engage in a useful occupation.

~~(((4) Incapacity due to mental disorders shall be determined on the basis of actual and specific impairment of faculties necessary for the person to be able to engage in gainful employment. The fact that an individual may be receiving treatment for a mental health problem is not in itself evidence that incapacity exists.~~

~~(5) Such incapacity will be determined on the basis of evidence that the individual:~~

~~(a) Is unable to exercise judgment and make decisions necessary to obtain and maintain employment.~~

~~(b) Is unable to sustain an adequate attention span.~~

~~(c) Manifests bizarre or inappropriate behavior patterns beyond his capability to control.~~

~~(d) Does not have the degree of physical and motor control required to sustain employment.~~

~~(e) Does not have perception and memory to the degree necessary to obtain and sustain employment.~~

~~(f) Is unable to follow directions or to learn to the degree necessary to obtain and sustain employment.~~

~~(g) Is under medication which impairs functioning.~~

~~(h) Any one or a combination of the conditions in subdivisions (a) through (g) may be sufficient to establish incapacity.~~

~~(6) Incapacity will be considered to be established without an incapacity review team decision when the person:~~

~~(a) Deleted;~~

~~(b) Has been determined to be eligible for any benefits based on social security administration disability criteria;~~

~~(c) Is eligible for services from the division of developmental disabilities;~~

~~(7) Incapacity will be considered established for a period of sixty days without an incapacity review team decision when the person is being released from inpatient psychiatric treatment.~~

~~(8) Incapacity due to alcoholism will be considered to be established when an individual is admitted as a resident into intensive or long-term treatment at an alcoholism treatment center or recovery house services as defined in WAC 275-19-020.~~

~~(9) Incapacity due to abuse of drugs other than alcohol will be considered to be established for a designated period when an individual is admitted as a resident into a certified residential drug treatment program, or certified detoxification program or is accepted into a certified methadone (or approved substitute) maintenance program.~~

~~(a) In accordance with the above criteria, incapacity will be considered to be established for the following maximum periods of time:~~

~~(i) Detoxification—thirty days.~~

~~(ii) Maintenance—sixty days.~~

~~(iii) Residential treatment—sixty days.~~

~~(b) Assistance shall not be continued beyond the initial period of time described in subdivision (9)(a) of this section without an incapacity review team decision.~~

~~(10) If the person claiming incapacity due to alcoholism or drug abuse does not meet the criteria in subsections (8) or (9) of this section, incapacity will be determined by evidence that:~~

~~(a) Pathological or demonstrable organic damage has resulted from chronic alcoholism or drug abuse, or~~

~~(b) The individual, as a result of the addiction, has his judgment so impaired that he is incapable of realizing and making a rational decision with respect to his need~~

~~for treatment and constitutes a danger to himself, to any other person, or to property.~~

~~(11) Individuals who are found to be incapacitated due to alcoholism or drug abuse must be participating in an approved alcoholism or certified drug treatment program.~~

~~(12) An individual who refuses to accept and follow through on available treatment when such treatment is recommended shall not be eligible.~~

~~(13) The use of drugs or alcohol of itself is not evidence that an incapacitating condition exists.~~))

NEW SECTION

WAC 388-37-036 INCAPACITY—FUNCTIONAL, MENTAL DISORDERS. Incapacity due to mental disorders shall be determined on the basis of demonstrable clinical signs and laboratory findings, which provide evidence of significant impairment of ability to work. Impairment of ability to work is reflected in restriction of daily activities and/or constriction of interests and/or impaired ability to care for self and/or impaired ability to relate to others. In addition, one of the following clinical signs or laboratory findings must be present:

(1) The individual with organic brain syndrome demonstrates deterioration in intellectual functioning, manifested by one or more of the following clinical signs:

(a) Marked memory defect for recent events; or

(b) Impoverished, slowed, perseverative thinking, with confusion or disorientation; or

(c) Labile, shallow, or coarse affect.

(2) The individual with functional psychotic disorder manifests one or more of the following clinical signs:

(a) Depression (or elation); or

(b) Agitation; or

(c) Psychomotor disturbances; or

(d) Hallucinations or delusions; or

(e) Autistic or other regressive behavior; or

(f) Inappropriateness of affect; or

(g) Illogical association of ideas.

(3) The individual with functional nonpsychotic disorder (including addictive dependence on alcohol or drugs) manifests one or more of the following clinical signs:

(a) Demonstrable and persistent structural changes mediated through psychophysiological channels (e.g., duodenal ulcer); or

(b) Recurrent and persistent periods of anxiety, with tension, apprehension, and interference with concentration and memory; or

(c) Persistent depressive affect with insomnia, loss of weight, and suicidal preoccupation; or

(d) Persistent phobic or obsessive ruminations with inappropriate, bizarre, or disruptive behavior; or

(e) Persistent compulsive, ritualistic behavior; or

(f) Persistent functional disturbance of vision, speech, hearing, or use of a limb with demonstrable structural or trophic changes; or

(g) Persistent, deeply ingrained, maladaptive patterns of behavior manifested by either:

(i) Seclusiveness or autistic thinking; or

(ii) Pathologically inappropriate suspiciousness or hostility.

(4) The individual with mental retardation manifests significant limitations in mental and social functioning.

AMENDATORY SECTION (Amending Order 1661, filed 6/3/81)

WAC 388-37-037 CONTINUING GENERAL ASSISTANCE—REFUSAL TO ACCEPT AVAILABLE AND RECOMMENDED MEDICAL TREATMENT. (1) A continuing general assistance applicant or recipient who refuses without good cause to accept available recommended medical treatment, which can reasonably be expected to render him able to work shall be ineligible. The decision that the client has refused such treatment without good cause is based on the best objective judgment of the CSO incapacity review team.

(2) "Available medical treatment" shall mean and include medical, surgical, or mental health services, or any combination thereof.

(3) "Reasonably be expected to render him able to work" shall mean that in the opinion of the ((~~medical consultant~~)) incapacity review team, the recommended treatment will restore or substantially improve the individual's ability to work for pay in a regular and predictable manner.

(4) For the purposes of this section, an applicant or recipient has good cause to refuse recommended medical treatment when((~~, according to the best objective judgment of the CSO review team, confirmed by the CSO administrator and the medical consultant,~~)) such refusal is based upon one or more of the following conditions:

(a) The individual is genuinely fearful of undergoing recommended treatment. Such fear may appear to be unrealistic or irrational; however, fear exists in such a degree that treatment would be adversely affected((~~.~~));

(b) The individual could lose a faculty, or the remaining use of faculty he now has, and refuses to accept the risk;

(c) Because of his definitely stated religious scruples, the individual will not accept recommended medical treatment.

(5) Refusal to follow through with available recommended medical treatment without good cause shall result in termination until the person agrees to cooperate in accepting such treatment and the following ineligibility periods have passed:

(a) First refusal – one week;

(b) Second refusal within six months – one month;

(c) Third and subsequent refusals within one year – two months.

NEW SECTION

WAC 388-37-038 INCAPACITY—INCAPACITY REVIEW TEAM DECISION. (1) Incapacity will be considered to be established without an incapacity review team decision when the person:

(a) Has been determined to be eligible for any benefits based on social security administration disability criteria;

(b) Is eligible for services from the division of developmental disabilities.

(2) Incapacity will be considered established for a period of sixty days without an incapacity review team decision when the person is being released from inpatient psychiatric treatment.

(3) Incapacity due to alcoholism will be considered to be established when an individual is admitted as a resident into intensive or long-term treatment at an alcoholism treatment center or recovery house services as defined in WAC 275-19-020, according to the time limits in WAC 388-37-060.

(4) Incapacity due to abuse of drugs other than alcohol will be considered to be established for a designated period when an individual is admitted as a resident into a certified residential drug treatment program, or certified detoxification program or is accepted into a certified methadone (or approved substitute) maintenance program.

(a) In accordance with the above criteria, incapacity will be considered to be established for the following maximum periods of time:

(i) Detoxification—thirty days.

(ii) Maintenance—sixty days.

(iii) Residential treatment—sixty days.

(b) Assistance shall not be continued beyond the initial period of time described in subdivision (4)(a) of this section without an incapacity review team decision.

(5) Individuals who are found to be incapacitated due to alcoholism or drug abuse must be participating in an approved alcoholism or certified drug treatment program.

AMENDATORY SECTION (Amending Order 1661, filed 6/3/81)

WAC 388-37-040 CONTINUING GENERAL ASSISTANCE—STANDARDS FOR REQUIREMENTS—AUTHORIZATION. (1) The rules and procedures for payment of federal aid grants shall apply to continuing general assistance except that vendor payments may be made when payment by warrant is not possible or practical.

(2)(a) When incapacity is established a continuing grant shall be authorized to continue for the probable duration of the incapacity. The recipient shall be notified of the termination date at the time the grant is opened.

(b) ((~~Beginning May 15, 1981,~~)) If more than forty-five days are required to determine incapacity, and if incapacity is determined to have existed on the date of application, assistance shall be granted effective the forty-fifth day after application, per WAC 388-33-115.

A continuing grant shall not be authorized until incapacity is established by the CSO incapacity review team.

(3) Continuing assistance shall not be authorized following the termination date specified in subsection (2) of this section until continuing incapacity has been redetermined by the CSO incapacity review team.

(4) ((~~If assistance is terminated because the redetermination of incapacity is delayed for reasons beyond the recipient's control, and continuing incapacity is subsequently redetermined, assistance shall be authorized effective the day following the date of termination.~~)) If a recipient is terminated due to lack or insufficiency of medical evidence to establish incapacity, he/she shall be reinstated the day following the date of termination, if all the following conditions are met:

(a) The lack or insufficiency of medical evidence is not due to failure of the recipient to cooperate in gathering said evidence; and

(b) Additional medical evidence is provided subsequent to the termination, which establishes that the recipient has been, and continues to be, incapacitated since the date of termination; and

(c) The additional medical evidence substantiates incapacity as specified in WAC 388-37-010(1) and 388-37-035.

AMENDATORY SECTION (Amending Order 1102, filed 3/2/76)

WAC 388-37-050 CONTINUING GENERAL ASSISTANCE—REDETERMINATION OF ELIGIBILITY. (1) Continuing general assistance recipients shall have their continued financial eligibility for such assistance redetermined at least once every six months of continuous receipt of assistance.

(2) When an unemployable recipient of general assistance becomes employable, his eligibility ceases. This decision is made by the CSO incapacity review team.

(3) Whenever a general assistance recipient becomes eligible for AFDC or SSI benefits, he becomes ineligible for continuing general assistance.

(4) Acceptance of available medical treatment. WAC 388-37-037 applies to a recipient as well as to an applicant.

(5) Recipients of continuing general assistance shall be screened to determine appropriateness of referral ((~~for vocational rehabilitation services and SSI eligibility determination. A recipient who has been referred and refuses without good cause to utilize such services shall be ineligible~~)) to other agencies, i.e., SSA, SSI, DVR, VA, which can reasonably be expected to reduce their need for assistance. The decision to recommend referral to other agencies is made by the CSO incapacity review team. A recipient who has been referred and refuses, without good cause to accept referral to other agencies shall be ineligible. The decision on whether the client had good cause to refuse referral to another agency is made by the CSO incapacity review team. Refusal to accept recommended referral to other agencies without good cause shall result in termination until the person agrees to cooperate in accepting such referral and the following ineligibility periods have passed:

(a) First refusal – one week;

(b) Second refusal within six months – one month;

(c) Third and subsequent refusals within one year – two months.

WSR 82-22-023
ADOPTED RULES
BOARD FOR COMMUNITY COLLEGE EDUCATION
[Order 94, Resolution No. 82-37--Filed October 26, 1982]

Be it resolved by the State Board for Community College Education, acting at Big Bend Community College, 24th and Andres, Moses Lake, WA 98837, that it does adopt the annexed rules relating to tuition and fee charges made to community college students and waivers of tuition and fees granted to resident students.

This action is taken pursuant to Notice No. WSR 82-19-068 filed with the code reviser on September 20, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28B.15-.502 and 28B.15.740 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 21, 1982.

By Gilbert J. Carbone
Assistant Director

AMENDATORY SECTION (Amending Order 12, filed 7/22/71)

WAC 131-28-021 DEFINITIONS. For the purpose of WAC 131-28-025, the following definitions shall apply:

(1) "Resident student" and "nonresident student" shall be defined in the same manner as in chapter 28B-.15 RCW.

(2) "Tuition," "operating fees," and "services and activities fees" shall be defined in the same manner as in chapter 28B.15 RCW.

(3) "Special fees" shall be defined as all fees established by the district board of trustees other than tuition, operating fees or services and activities fees and as such shall include fees charged to an individual student for specific services and privileges received by such student.

(4) "Community service course" shall be defined as any organized instructional activity, typically ungraded, primarily offered for part-time students, not normally an integral part of any specific study program leading to either an academic or an occupational degree or certificate, and specifically identified as such by a community college consistent with the course classification procedures established by the state board.

(5) "Academic or occupational course" shall be defined as all organized instructional activities other than community service courses.

(6) "Short course" shall be defined as any academic, occupational, or community service course not regularly scheduled in the quarterly announcement of courses, not routinely listed in the college catalog as a regular and normal part of the instructional program, and not normally of a full quarter in duration.

(7) "Regular course" shall be defined as any academic, occupational, or community service course not classified as a short course.

(8) "Required course" shall be defined as any course specified in the college catalog or official curriculum description of any vocational preparatory program as necessary for completion of such program, except courses prerequisite to such program.

(9) "Vocational preparatory program" shall be defined as any planned series of learning experiences, the specific objective of which is to prepare persons to enter gainful employment in a recognized occupation not designated as professional or requiring a baccalaureate or higher degree, provided that such program has been approved by the state board.

AMENDATORY SECTION (Amending Order 89, Resolution 81-65, filed 9/14/81)

WAC 131-28-025 METHOD OF ASSESSING TUITION AND FEE CHARGES. (1) For academic and occupational regular or short courses, tuition and fees charged to students:

(a) Shall be based upon the number of credits assigned to such courses as listed in the official and current catalog of the college, or for courses not given such credit designations, the number of credit equivalents as computed by the method for deriving such equivalents established by the state board.

(b) Shall be assessed on a per-credit basis at uniform rates for resident and for nonresident students, provided:

((~~(i)~~)) That the respective maximums charged to any resident or nonresident student shall not exceed the amount specified in chapter 28B.15 RCW((~~;~~

~~(ii) that the required nonresident differential is charged to students registered for seven or more credits~~)).

(c) Shall be assessed for part-time students, ((~~exclusive of services and activities fees;~~)) for each credit of registration or its equivalent, at the rate of one-tenth of the total combined tuition and operating fees and services and activities fees charged to full-time students consistent with chapter 28B.15 RCW.

(d) Shall include an additional operating fee for each credit in excess of eighteen at the rate of one-tenth of the combined general tuition and operating fee charged to full-time students consistent with chapter 28B.15 RCW, except that no such additional charges shall be assessed to a student enrolled in both a vocational preparatory program and a required course in that program as defined in WAC 131-28-021. This exemption shall require written approval by an appropriate college official.

(e) Shall be no less than two times the amount of general tuition, operating fee, and services and activities fee charged for one credit.

(2) The provisions of this section shall not apply to the ungraded courses set forth in WAC 131-28-026.

(3) For community service courses, fees charged to students:

(a) Shall be designated as a special fee, all revenue from which shall be used for the general operations and maintenance of the college;

(b) Shall be assessed at a rate sufficient to defray the direct and indirect costs of offering such community service courses.

(4) Nothing herein shall be construed to be a restriction on the right of the district board of trustees to assess additional noninstructional fees and special fees to cover unique instructional costs or expendable instructional materials related to any course offered by a college district.

AMENDATORY SECTION (Amending Order 93, Resolution No. 82-16, filed 5/11/82)

WAC 131-28-026 TUITION AND FEE CHARGES FOR CERTAIN UNGRADED COURSES. (1) When in the judgment of a district board of trustees certain courses should be designated as ungraded courses and offered by tuition and fee rates that differ from the standard rates set by WAC 131-28-025, the board of trustees may propose such designations and tuition and fee levels. Implementation of such proposals shall be contingent upon approval of the state director, who shall review such proposals with respect to the provisions of subsection (2) of this section and with respect to a general standard of system-wide consistency of tuition and fee charges when essentially similar services are provided.

(2) Ungraded courses designated pursuant to subsection (1) of this section shall meet the following qualifications:

(a) The primary intent of offering the course is other than providing academic credit applicable to an associate's or higher degree.

(b) The course has a specialized purpose in that it is intended to meet the unique educational needs of a specific category or group of students.

(c) The course is offered for the purpose of providing the individual student with a discrete skill or basic body of knowledge other than that intended to lead to initial employment.

(d) The course cannot be administered as a contract course pursuant to WAC 131-28-027, 131-32-010, or 131-32-020.

(e) The course is not offered primarily as an integral part of any lower-division curriculum or program.

(f) The course is not one specifically or primarily intended to satisfy requirements for receiving a high school diploma.

(3) For the purposes of this section, ungraded courses shall be defined as those courses classified according to the official course classification taxonomy established by the state board as occupational supplementary, occupational homemaking, academic basic education, or academic general education courses, provided they shall also meet the qualifications set forth in subsection (2) of this section.

(4) For the purpose of implementing WAC 131-28-025(2), the tuition and fees, exclusive of special fees, charged by any Washington community college for the following ungraded courses shall be:

Course	Tuition	Operating Fee	Services and Activities Fee
(a) Courses offered for the purpose of satisfying related or supplemental educational requirements for apprentices while indentured with the Washington State Apprenticeship Council or Federal Bureau of Apprenticeship and Training	$1.40 per credit	$3.60 per credit	No Charge
(b) Department of Labor and Industries approved industrial first aid courses offered for the purpose of satisfying WISHA first aid certification requirements	Standard Rate	Standard Rate	No Charge
(c) Parent education involving cooperative pre-school program	The combined standard district charge per credit hour for tuition and operating fees less the pre-school cooperative fee, with any remainder divided equally between tuition and operating fee		No Charge
(d) Farm management and small business management	Standard Rate	Standard Rate	No Charge
(e) Adult Basic Education courses supported by federal funds and English as a Second Language courses funded from such sources	No Charge	No Charge	No Charge
(f) Emergency Medical Technician	per $1.40 credit	per $3.60 credit	No Charge
(g) Courses specifically designed to provide skills and understandings particularly related to the problems of retirement and advanced age	$1.00 per credit hour	$1.00 per credit hour	No Charge

((~~For the purpose of computing any refunds related to such tuition and fees charged for apprenticeship, small business management and farm management~~

~~courses, the total tuition and fees charged on a yearly basis shall be prorated to a quarterly basis.~~))

(5) Application of this section shall be subject to administrative procedures established by the state director with respect to maximum credit values of such ungraded courses, curriculum, or any unique circumstances related to enrollment in such courses.

(6) Tuition, operating fees, and services and activities fees received pursuant to this section shall be accounted for and deposited in conformance with the provisions of RCW 28B.50.360, 28B.15.031, and 28B.15.041 respectively.

(7) The term "standard rate" as used in this section shall mean the tuition and/or operating fees charged for one quarter credit.

AMENDATORY SECTION (Amending Order 83, Resolution 80-29, filed 6/30/80)

WAC 131-28-030 WAIVER OF TUITION AND FEES FOR NEEDY OR DISADVANTAGED STUDENTS. Pursuant to authority granted by RCW ((~~28B.15.530~~)) 28B.15.740, the boards of trustees of community college districts are authorized to waive all or part of general tuition, operating, and services and activities fees for needy ((~~or disadvantaged~~)) students: PROVIDED, That the students shall qualify for such waiver as determined by the criteria set forth in WAC 131-28-040 through ((~~131-28-050~~)) 131-28-045.

AMENDATORY SECTION (Amending Order 74, Resolution 79-20, filed 6/28/79)

WAC 131-28-040 CRITERIA FOR DETERMINING ELIGIBILITY FOR WAIVER OF TUITION AND FEES UNDER RCW ((~~28B.15.530~~)) 28B.15.740. Waiver of general tuition, operating, and services and activities fees, or any portions thereof as authorized by RCW ((~~28B.15.530~~)) 28B.15.740, normally charged to students enrolled ((~~in collegiate-level courses or programs~~)) shall be based upon the determination that the student is a needy ((~~or disadvantaged~~)) student by application of a method of need analysis approved by the United States ((~~Office~~)) Department of Education for determining awards under federal student financial aid programs or one adopted by the state board for community college education specifically for the purposes of this section, provided that no waivers under this section shall be granted to a person who is not a "resident student" as defined in RCW ((~~28B.15.010~~)) 28B.15.012.

AMENDATORY SECTION (Amending Order 83, Resolution 80-29, filed 6/30/80)

WAC 131-28-045 PROCEDURE FOR IMPLEMENTING TUITION AND FEE WAIVERS AUTHORIZED PURSUANT TO RCW ((~~28B.15.530~~)) 28B.15.740. (1) Tuition and fee waivers for needy ((~~or disadvantaged~~)) students in any fiscal year as authorized by RCW ((~~28B.15.530~~)) 28B.15.740 may not exceed three percent of any college district's estimated total collections of tuition, operating, and services and activities fees had no such waivers been made, after deducting the portion of that total amount which is attributable to the difference between resident and nonresident tuition and fees.

(2) The estimated total collection of tuition and fees shall be based on budgeted, state supported, four-quarter annual average enrollment.

(3) Each district may waive an amount not to exceed three percent of the estimated collections in the event that actual enrollments or collections exceed estimated collections. Conversely, the three percent waiver capacity based upon estimated collections is allowable even though actual collections may not be as high as the estimate.

(4) Districts desiring to exceed their individual three percent waiver capacity may do so only upon written approval from the state director of community colleges or his designee. This waiver capacity can only be granted to a district after it has been determined that the total waiver capacity for the community college system is not being utilized as a result of other districts waiving at levels less than the three percent capacity.

(5) At least three-fourths of the total amount waived by any district shall be for needy resident students and the remainder may be for other resident students as determined by the board of trustees, except that no such waivers shall be based on participation in intercollegiate athletic programs.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 131-28-050 PROCEDURE FOR DETERMINING LIMITATION OF THE AMOUNT OF TUITION AND FEE WAIVERS.

WSR 82-22-024
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-183—Filed October 26, 1982]

I, Rolland A. Schmitten, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitten, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are the result of the Columbia River Compact and are to allow harvest of treaty Indian allocated salmon in areas closed by permanent regulations.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 26, 1982.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-32-05100T SEASONS—SALMON Notwithstanding the provisions of WAC 220-32-051, 220-32-052, and 220-32-058, it is unlawful to take, fish for or possess salmon taken for commercial purposes from Columbia River Management and Catch Reporting Areas 1F, 1G, or 1H, except that those individuals possessing treaty rights pursuant to the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish in those waters of area 1F between a line drawn from the midpoint of the Lyle Boat Launch true south to a boundary marker on the Oregon shore downstream to a line drawn from flashing white light number 53 to flashing red light number 50 to flashing light number 1 to a boundary marker on the Oregon mainland and downstream and outside of the outermost uplands of the Klickitat River from 12:00 noon November 1, 1982, to 12:00 noon November 5, 1982, using net gear with a 7 inch maximum mesh restriction.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100S SEASONS—SALMON (82-135)

WSR 82-22-025
ADOPTED RULES
INSURANCE COMMISSIONER
STATE FIRE MARSHAL
[Order FM 82-9—Filed October 26, 1982]

I, Thomas R. Brace, director of the Division of State Fire Marshal, do promulgate and adopt at Insurance Building, Conference Room 200, Olympia, Washington 98504, the annexed rules relating to family day care centers, standards for fire protection, chapter 212-55 WAC.

This action is taken pursuant to Notice No. WSR 82-19-085 filed with the code reviser on September 22, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.15.050 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 26, 1982.

By Thomas R. Brace
Director, Division of State Fire Marshal

Chapter 212-55 WAC
((~~FAMILY~~)) MINI DAY CARE CENTERS, STANDARDS FOR FIRE PROTECTION

AMENDATORY SECTION (Amending Order FM 81-4, filed 10/22/81)

WAC 212-55-001 PURPOSE. The purpose of this regulation is to adopt minimum standard fire and life safety requirements for ((~~family~~)) mini day care centers, which require state fire marshal approval in accordance with chapter 74.15 RCW.

AMENDATORY SECTION (Amending Order FM 81-4, filed 10/22/81)

WAC 212-55-005 DEFINITIONS. The following definitions shall apply when used in this regulation. All terms not defined in this section, but which are defined in chapter 388-73 WAC, shall receive the definition and construction given them by chapter 388-73 WAC, unless the context clearly indicates otherwise.

(1) "Approved" as to fire protection systems, assemblies, and devices means approved by the state fire marshal as the result of tests conducted by him, or by reason of accepted principles or tests by national authorities, technical or scientific organizations.

(2) "Building official" means the person or agency appointed by the governing body of each city, town, or county for the administration and enforcement of the Uniform Building Code, adopted by reference in the State Building Code Act.

(3) ((~~"Child" means a person under the age of eighteen years.~~

~~(4)~~)) "Exit" means a continuous and unobstructed means of egress to a public way and shall include intervening doors, doorways, corridors, exterior exit balconies, ramps, stairways, smokeproof inclosures, horizontal exits, exit passageways, exit courts and yards.

((~~(5)~~)) (4) "Family abode" means a single dwelling unit occupied for living purposes by a family which provides permanent provisions for living, sleeping, eating, cooking, and sanitation; and which is either owned, rented, or leased by the family occupying the family abode.

((~~(6)~~)) (5) "Fire official" means the person or agency appointed by the governing body of each city, town, or county for the administration and enforcement of the Uniform Fire Code, adopted by reference in the State Building Code Act.

((~~(7)~~)) (6) "Heat detector" means an approved device which detects abnormally high temperatures or rate of temperature rise.

((~~(8) "Infant" means a child under the age of one year.~~

~~(9)~~)) (7) "Licensing agency" means the Washington state department of social and health services.

((~~(10) "Family~~)) (8) "Mini day care center" means ((a)) (a) day care center for the care of twelve or fewer children in a facility ((in)) other than the family abode of the person or persons under whose direct care and supervision the child is placed, (b) or the care of from seven through twelve children in the family abode of such person or persons.

((~~(11)~~)) (9) "Smoke detector" means an approved device which senses visible or invisible particles of combustion.

AMENDATORY SECTION (Amending Order FM 81-4, filed 10/22/81)

WAC 212-55-010 COMPLIANCE REQUIRED. All ((~~family~~)) mini day care centers shall comply with the fire and life safety requirements contained in this regulation.

EXCEPTION: Mini day care centers previously approved, based upon compliance with chapters 212-59 or 212-60 WAC, adopted pursuant to Administrative Order No. FM-77-3, filed December 8, 1977, may have their use continued without compliance with this regulation: PROVIDED, That

(1) The fire and life safety requirements have been maintained to the levels prescribed in chapters 212-59 or 212-60 WAC; and

(2) The continued operation of the facility as a mini day care center is not dangerous to life.

AMENDATORY SECTION (Amending Order FM 81-4, filed 10/22/81)

WAC 212-55-025 CONTACT WITH LOCAL BUILDING AND FIRE OFFICIALS. Each applicant for a ((~~family~~)) mini day care center license shall contact the local building official and fire official of the city, town, or county where the facility is located, to ascertain that all local building code and fire code requirements have been met.

AMENDATORY SECTION (Amending Order FM 81-4, filed 10/22/81)

WAC 212-55-030 OCCUPANCY RESTRICTIONS. (1) Spaces above the first story shall not be occupied by children in ((~~family~~)) mini day care centers. EXCEPTION: Use of toilet facilities while under the supervision of an adult staff person.

(2) Infants, handicapped children, or children unable to exit without assistance, shall not occupy a floor or basement which does not have at least one exit leading directly to the exterior of the building without having to traverse stairs.

AMENDATORY SECTION (Amending Order FM 81-4, filed 10/22/81)

WAC 212-55-035 HAZARDOUS AREAS. Rooms or spaces containing a commercial-type cooking kitchen, boiler, maintenance shop, janitor closet, laundry, woodworking shop, flammable or combustible storage, or painting operation shall be separated from the ((~~family~~)) mini day care area by at least one hour fire-resistive construction. EXCEPTION: A fire-resistive separation shall not be required where the food preparation kitchen contains only a domestic cooking range, and the preparation of food does not result in the production of smoke or grease ladened vapors.

AMENDATORY SECTION (Amending Order FM 81-4, filed 10/22/81)

WAC 212-55-040 EXITS. (1) Each floor level used for ((~~family~~)) mini day care purposes shall be served by two remote exits.

(2) Outside exit doors shall be openable from the inside without the use of keys or any special knowledge or effort.

(3) Basements shall not be used for ((~~family~~)) mini day care centers unless one of the following conditions exist:

(a) Exit stairways from the basement open directly to the exterior of the building without entering the first floor; or

(b) One of the two required exits discharges directly to the exterior from the basement level, and a self-closing door is installed at the top or bottom of the interior stair leading to the floor above.

(4) No obstructions shall be placed in the corridors or passageways leading to the exits. Placement of portable coat racks, desks, chairs, or individual lockers in the means of egress in such a manner that the exit passageway is restricted, is prohibited.

(5) No space shall be used for ((~~family~~)) mini day care purposes which is accessible only by ladder, folding stairs, or trap doors.

(6) Every bathroom door lock shall be designed to permit the opening of the locked door from the outside in an emergency, and the opening device shall be readily accessible to the staff.

(7) Every closet door latch shall be such that children can open the door from inside the closet.

AMENDATORY SECTION (Amending Order FM 81-4, filed 10/22/81)

WAC 212-55-055 ALARM IN CASE OF FIRE. Each ((~~family~~)) mini day care center shall provide a means for sounding a fire alarm. A police type whistle is adequate for meeting this requirement: PROVIDED, That whatever method is selected shall be limited to a fire emergency only.

AMENDATORY SECTION (Amending Order FM 81-4, filed 10/22/81)

WAC 212-55-065 FIRE PREVENTION. (1) The local fire department should be requested to visit the ((~~family~~)) mini day care center to become familiar with the facility and to assist in planning evacuation or emergency procedures.

(2) Furnace rooms shall be maintained free of lint, grease, and rubbish accumulations; and suitably isolated,

enclosed, or protected so as not to present a fire hazard to occupants of the ((~~family~~)) mini day care center.

(3) Flammable or combustible materials shall be stored away from exits, and in areas which are not accessible to children.

(4) Heating and cooking appliances, and other open-flame devices capable of igniting clothing shall not be left on, unattended, or used in a manner which could result in an accidental ignition of childrens' clothing. Candles will not be used.

(5) All electrical circuits, devices, and appliances shall be properly maintained. Circuits shall not be overloaded. Extension cords shall not be used in lieu of permanent wiring.

(6) Combustible rubbish shall not be allowed to accumulate and shall be removed from the building or stored in closed, metal containers.

AMENDATORY SECTION (Amending Order FM 81-4, filed 10/22/81)

WAC 212-55-075 FIRE EVACUATION PLAN. Each ((~~family~~)) mini day care center shall develop a written fire evacuation plan. The plan shall include the following:

(1) Action to take by the person discovering a fire.

(2) Method of sounding an alarm on the premises.

(3) Action to take pending arrival of the fire department.

(4) Action to take for evacuation of the building and assuring accountability of the occupants.

AMENDATORY SECTION (Amending Order FM 81-4, filed 10/22/81)

WAC 212-55-085 STAFF TRAINING. The licensee and each member of the staff shall be familiar with all elements of the fire evacuation plan and must be capable of accomplishing the following:

(1) Operation of fire extinguishers installed on the premises.

(2) Method of resetting fire alarm system (if installed).

(3) Method of testing smoke detectors (single station types).

(4) Conducting frequent inspections of the ((~~family~~)) mini day care center to identify fire hazards, and taking remedial action to correct any hazards noted during the inspection.

WSR 82-22-026
PROPOSED RULES
HEALTH CARE FACILITIES AUTHORITY
[Filed October 27, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Health Care Facilities Authority intends to adopt, amend, or repeal rules concerning adding new section WAC 247-16-035 to clarify equipment applications and remove redundant and inapplicable provisions regarding applications for assistance relating to equipment issues. Allow the authority to act on equipment applications in an expeditious manner. Current rules virtually preclude equipment bond financings and add materially to the cost of such applications;

that the agency will at 8:30 a.m., Monday, December 13, 1982, in the Office of Washington Health Care Facilities Authority, 504 East 14th, Suite 130, 98501, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 13, 1982.

The authority under which these rules are proposed is RCW 70.37.050.

The specific statute these rules are intended to implement is chapter 70.37 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 10, 1982.

Dated: October 27, 1982
By: G. L. Sorte
Executive Director

STATEMENT OF PURPOSE

Rule: Chapter 247-16 WAC.

Rule Section(s): WAC 247-16-035, new section.

Statutory Authority: RCW 70.37.050.

Purpose of the Rule(s): Remove redundant language and inappropriate requirements regarding applications for in relating to equipment.

Summary of the New Rule(s) and/or Amendments: Current application rules are not appropriate to equipment issues. The original application rules were not drafted in consideration of the possibility of short-term equipments issues. Consequently compliance with existing rules are nearly impossible to comply with for equipment financings and unnecessary and materially increase costs or such applications. Current applications rules are appropriate only to long-term constructions and refinancing bond issues.

Reasons Which Support the Proposed Action(s): [No information supplied by agency]

Person or Organization Proposing the Rule(s): Government.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule(s): Gerald L. Sorte, 504 East 14th, Suite 130, PK-11, Olympia, Washington 98504, 753-6518.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency]

Chapter 247-16 WAC
EQUIPMENT FINANCING

NEW SECTION

WAC 247-16-035 APPLICATIONS FOR EQUIPMENT FINANCING ASSISTANCE. Because the needs of health care facilities in the state vary substantially, no application forms shall be provided by the authority. However, an applicant should furnish the

following information to the authority, where applicable, with its request for financial assistance, and such other information as is deemed pertinent by the applicant or the executive director of the authority:

(1) Identification of applicant:

(a) Legal name and address of applicant;

(b) Names, titles, and telephone numbers of chief executive officer, chief financial officer, and person assigned responsibility for liaison with the authority;

(c) Names, addresses, and telephone numbers of applicant's legal counsel, outside accounting firm and financial consultant or investment banking firms (if any);

(d) Description of applicant's legal structure (e.g., private nonprofit corporation, public district hospital). If private, describe type and ownership of stock, if any; how assets held and by whom; and attach copies of articles of incorporation or similar documentation;

(e) If applicant is a private hospital, attach a copy of IRS determination of 501(c) (3) status.

(2) Project for which financial assistance is sought (if applicable):

(a) Amount of financing sought;

(b) Description of equipment to be purchased with authority financial assistance;

(c) Current status of planning for equipment and dates proposed for purchase and installation;

(d) Current status of certificate of need for project. If certificate has been issued, attach copy;

(e) Cost of equipment (including installation);

(f) Sources of funds for payment of project costs and dates of expected receipt (assistance from authority, interim financing, grants, funds on hand, interest and profit on interim investment of construction funds, other);

(g) Contracts or preliminary arrangements with planners, architects, consultants, investment banking firm, if any, regarding project.

(3) Debt to be refinanced with authority assistance (if applicable):

(a) Amount, date, maturity or maturities, interest rate or rates, prepayment penalties, if any, debt service and form of applicant's existing debt to be refinanced;

(b) Source of revenue for payment of existing debt, security for debt and rating, if any, assigned to debt instruments at time of debt issuance;

(c) Decision and order of the state hospital commission approving inclusion of the equipment item or items in applicant's budget;

(d) Holder of debt (if ascertainable);

(e) Any negative debt service payment history;

(f) Proposed date schedule for accomplishing debt refinancing.

(4) Finances of applicant:

(a) Audited (if audited) financial statements for past year;

(b) Latest current financial statement;

(c) Current year's budget of revenues, expenses and capital expenditures;

(d) Description of long-term debts of applicant, if not already given above, including date incurred, by whom held, debt service schedule, interest rate, form of debt, source of revenues for repayment, security for repayment;

(e) Sources of hospital revenues (private patient, Medicare, Medicaid, welfare, Blue Cross, grants, etc.) and approximate dollar volumes and percentages of total revenues for each source in last three years;

(f) Pending or threatened litigation or administrative actions with potential of material adverse effect on applicant;

(g) Feasibility studies on project, if any (attach copy if one has been completed).

WSR 82-22-027
EMERGENCY RULES
DEPARTMENT OF REVENUE
[Order ET 82-10—Filed October 27, 1982]

I, Donald R. Burrows, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to public utility tax, WAC 458-20-179.

I, Donald R. Burrows, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is to implement the amended law which is effective August 1, 1982.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Revenue as authorized in RCW 82.32.300.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 27, 1982.

By JoAnn L. Johnson
Administrative Assistant
for Don R. McCuiston, Director
Tax Rules, Interpretation and Appeals Division

AMENDATORY SECTION (Amending Order ET 71-1, filed 7/22/71)

WAC 458-20-179 PUBLIC UTILITY TAX. Persons engaged in certain public service businesses are taxable under the public utility tax, and are exempt from tax under the business and occupation tax with respect to such businesses. However, many persons taxable under the public utility tax are also engaged in some other business which is taxable under the business and occupation tax. For example, a light and power company engaged in operating a plant or system for distribution of electrical energy for sale, may also be engaged in selling at retail various electrical appliances. Such a company would be taxable under the public utility tax with respect to ((~~the sale~~)) its last distribution of electric energy, and also taxable under the business and occupation tax with respect to ((~~the~~)) its sale of electrical appliances.

Persons who are taxable under the public utility tax, and the rate of such tax, which is applied to gross income, are those engaged in the following businesses:

1. Railroad, express, railroad car, water distribution, light and power, telephone and telegraph. Rate of tax 3.6%.

2. Gas distribution. Rate of tax 3.6%.

3. Urban transportation and common carrier vessels under 65 feet in length except tug boats operating upon the waters of the State of Washington. Rate of tax .6%.

4. Motor transportation, tugboat businesses, and all public service businesses other than those heretofore mentioned. Rate of tax 1.8%.

The rates of tax shown are imposed under RCW 82.16.020.

The term "public service businesses" includes any of the businesses defined in RCW 82.16.010(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), and (12) or any business subject to control by the state, or having the powers of eminent domain and the duties incident thereto, or any business declared by the legislature to be a public utility, irrespective of whether eminent domain powers are had

or state control is exercised. It includes, among others, without limiting the scope thereof: Airplane transportation, boom, dock, ferry, log patrol, pipe line, warehouse, toll bridge, toll logging road, water transportation and wharf businesses.

The term "subject to control by the state" means control by the Utilities and Transportation Commission or any other state department required by law to exercise control of business of a public service nature as to rates charged or services rendered.

The term "gross income" means "the value proceeding or accruing from the performance of the particular public service or transportation businesses involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses." The term "gross income" of a light and power business means those amounts or value accruing to a taxpayer from the "last distribution" of electrical energy which is a taxable event within this state. RCW 82.16.010(13).

LIGHT AND POWER BUSINESS - SPECIAL PROVISIONS. RCW 82.16.010(5) defines "Light and power business" to mean the business of operating a plant or system for the generation, production, or distribution of electrical energy for hire or sale. The measure of public utility tax upon the business of operating such electrical energy plants or systems is the amount or value derived from the "last distribution" of the electrical energy within this state which is subject to this state's taxing jurisdiction. Sales of electrical energy to persons outside this state or deliveries of electrical energy across the boundaries of this state are interstate transactions which do not constitute "last distributions" within this state. Thus, such sale and delivery transactions are not taxable events. Rather, it is the intent of the law that all electrical energy generated, or produced, or distributed within this state shall be subject to the uniform tax rate for light and power business, but only at the time of its "last distribution" here.

The term "last distribution" means the final transmission or transfer of electrical energy before it is consumed in this state or before it is transmitted or transferred to any point outside of this state. Thus, the taxable last distribution of electrical energy consumed within this state is the transmission or transfer of such energy to the consumer. The taxable last distribution of electrical energy for sale or consumption outside of this state is the transmission or transfer of such energy to the transmission system, bus bar, substation, tie line, grid, or power pool from which it will be directly further transmitted or transferred to points outside this state whether under any wheeling arrangement or through the distributor's own transmission or transfer system or the transmission or transfer system of any out-of-state person.

The taxpayer liable for the payment of public utility tax under the light and power business classification is the "person" (as defined by RCW 82.04.030) who last distributes electrical energy within this state as explained above.

For purposes of measuring the light and power business tax liability, the "amount or value derived from the last distribution of electrical energy" (RCW 82.16.010(13) definition of "gross income") is the total consideration in terms of money, credits, or other value, however designated, received by or accruing to the taxpayer, PROVIDED: That for electrical energy generated in this state and transmitted or transferred by the person who generated the same to points outside this state over its own transmission lines, without prior sale, the tax measure is the value of the electrical energy at the time it is generated here.

In distinguishing gross income taxable under the public utility tax from gross income taxable under the business and occupation tax, the Department of Revenue will be guided by the Uniform System of Accounts established for the specific type of utility concerned. However, because of differences in the Uniform System((s)) of Accounts established for various types of utility businesses, such guides will not be deemed controlling for the purposes of classifying revenue under the Revenue Act.

VOLUME EXEMPTION. Persons subject to the public utility tax are exempt from the payment of this tax for any reporting period in which taxable income reported under the combined total of all public utility tax classifications does not equal or exceed the minimum taxable amount for the reporting periods assigned to such persons according to the following schedule:

Monthly reporting basis	$500 per month
Quarterly reporting basis	$1500 per quarter
Annual reporting basis	$6000 per annum

DEDUCTIONS. Amounts derived from the following sources do not constitute taxable income in computing tax under the public utility tax:

1. Amounts derived by municipally owned or operated public service businesses directly from taxes levied for the support thereof, but not including service charges which are spread on the property tax rolls and collected as taxes.

2. Amounts derived by persons engaged in the water distribution ((~~light and power,~~)) or gas distribution business, from the sale of commodities to persons in the same public service business for resale as such within this state.

3. Amounts actually paid by a taxpayer to another person taxable under Chapter 82.16 RCW as the latter's portion of the consideration due for services jointly furnished by both. This includes the amount paid to a ferry company for the transportation of a vehicle and its contents (but not amounts paid to state owned or operated ferries) when such vehicle is carrying freight or passengers for hire and is being operated by a person engaged in the business of urban transportation or motor transportation. It does not include amounts paid for the privilege of moving such vehicles over toll bridges.

4. Amounts derived from the distribution of water through an irrigation system, solely for irrigation purposes.

5. Amounts derived from the transportation of commodities from points of origin in this state to final destination outside this state, or from points of origin outside this state to final destination in this state with respect to which the carrier grants to the shipper the privilege of stopping the shipment in transit at some point in this state for the purpose of storing, manufacturing, milling, or other processing, and thereafter forwards the same commodity, or its equivalent, in the same or converted form, under a through freight rate from point of origin to final destination; and amounts derived from the transportation of commodities from points of origin in the state to an export elevator, wharf, dock or shipside on tidewater or navigable tributaries thereto from which such commodities are forwarded, without intervening transportation, by vessel, in their original form, to interstate or foreign destination: PROVIDED, That no deduction will be allowed when the point of origin and the point of delivery to such export elevator, wharf, dock, or shipside are located within the corporate limits of the same city or town.

6. Amounts or value paid or contributed to any county, city, town, political subdivision, or municipal or quasi municipal corporation of the State of Washington representing payments of special assessments or installments thereof and interests and penalties thereon, charges in lieu of assessments, or any other charges, payments or contributions representing a share of the cost of capital facilities constructed or to be constructed or for the retirement of obligations and payment of interest thereon issued for capital purposes. The business and occupation tax is likewise inapplicable to such amounts. Service charges shall not be included in this exemption even though used wholly or in part for capital purposes.

When revenue derived from any of the foregoing sources is included within the reported gross income, the amount thereof may be deducted in computing tax liability.

((~~Business tax is imposed under the Manufacturing—Other classification upon the generation or production of electrical energy for resale or consumption outside the state. Electrical energy so taxed is not subject to public utility tax.~~))

Contributions in aid of construction not falling within item "6" above are subject to public utility tax, except that amounts received for line extensions, connection fees, and other charges for services rendered prior to the receipt of utility services by the customer against whom the charges are made are subject to business and occupation tax under the Service and Other Activities classification rather than the public utility tax.

In addition to the foregoing deductions there also may be deducted from the reported gross income (if included therein), the following:

a. The amount of cash discount actually taken by the purchaser or customer.

b. The amount of credit losses actually sustained.

c. Amounts received from insurance companies in payment of losses.

d. Amounts received from individuals and others in payment of damages caused by them to the utility's plant or equipment.

(For specific rule pertaining to the classifications of "urban transportation" and "motor transportation," see Rule 180, and of "warehouses," see Rule 182.)

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

82-22-028
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-184—Filed October 27, 1982]

I, Rolland A. Schmitten, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitten, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of salmon have been taken.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 27, 1982.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-28-073E0D HOH RIVER—CLOSED AREA Effective immediately until 11:59 PM November 24, 1982, it is unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes from the waters of the Hoh River.

WSR 82-22-029
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-185—Filed October 27, 1982]

I, Rolland A. Schmitten, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitten, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that

observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of chum salmon are available.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 27, 1982.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-36-02100G SALMON FISHING AREAS—GILLNET—SEASONS Notwithstanding the provisions of WAC 220-36-021, WAC 220-36-022 and WAC 220-36-024, it is lawful to take, fish for and possess salmon taken for commercial purposes in Grays Harbor Salmon Management and Catch Reporting Areas 2A, 2B, 2C and 2D with gill net gear from 4:00 PM Wednesday, October 27, 1982, until 8:00 PM Thursday October 28, 1982. Gill net gear is restricted to 5 inch minimum and 6 1/2 inch maximum mesh and restricted to 1500 feet maximum length.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-36-02100F SALMON FISHING AREAS—GILLNET—SEASONS (82-179)

WSR 82-22-030
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-186—Filed October 27, 1982]

I, Rolland A. Schmitten, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitten, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is protection of sablefish stocks and conforming state and federal regulations.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 27, 1982.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-44-04000B COASTAL BOTTOMFISH SEASONS. (1) Effective 11:59 PM October 27, 1982 through December 31, 1982, it is unlawful to take sablefish (Anoplopoma fimbria) from Coastal Marine Fish - Shellfish Management and Catch Reporting Areas 59, 60A, 61 and that portion of Area 58 within the United States 200 mile fishery conservation zone in excess of 3,000 pounds per vessel load.

(2) Effective 11:59 PM October 29, 1982 through December 31, 1982, it is unlawful to possess on board or land in any Washington state port sablefish (Anoplopoma fimbria) taken from Coastal Marine Fish - Shellfish Management and Catch Reporting Areas 59, 60A, 61 and that portion of Area 58 within the United States 200 mile fishery conservation zone in excess of 3,000 pounds per vessel load or landing.

WSR 82-22-031
ADOPTED RULES
DEPARTMENT OF GAME
(Game Commission)
[Order 194—Filed October 27, 1982]

Be it resolved by the Game Commission, state of Washington, acting at Okanogan, Washington, that it does promulgate and adopt the annexed rules relating to Quincy Lake Game Reserve, WAC 232-16-289.

This action is taken pursuant to Notice No. WSR 82-17-054 filed with the code reviser on August 17, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Game Commission as authorized in RCW 77.12.040.

The undersigned hereby declare that they have complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW) or the Administrative Procedure Act (chapter 34.04 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order, after being first recorded in the Order Register of this governing body, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED October 4, 1982.

By Archie U. Mills
Chairman, Game Commission

NEW SECTION

WAC 232-16-289 QUINCY LAKE GAME RESERVE. Quincy Lake Game Reserve shall include the northeast quarter of Section 15, and the northwest quarter of the north half of the southwest quarter of Section 14 in Township 19 North, Range 23 East. The reserve would be entirely within the Quincy Habitat Management Area and 400 acres in size; of which 42.6 acres is water of Quincy Lake.

WSR 82-22-032
ADOPTED RULES
DEPARTMENT OF GAME
(Game Commission)
[Order 195—Filed October 27, 1982]

Be it resolved by the Game Commission, state of Washington, acting at Okanogan, Washington, that it does promulgate and adopt the annexed rules relating to steelhead fishing punchcard, WAC 232-12-157.

This action is taken pursuant to Notice No. WSR 82-17-054 filed with the code reviser on August 17, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Game Commission as authorized in RCW 77.12.040.

The undersigned hereby declare that they have complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW) or the Administrative Procedure Act (chapter 34.04 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order, after being first recorded in the order register of this governing body, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED October 4, 1982.

By Archie U. Mills
Chairman, Game Commission

AMENDATORY SECTION (Order 174, filed 10/22/81)

WAC 232-12-157 STEELHEAD FISHING PUNCHCARD. (1) It is unlawful for a person, except a treaty Indian possessing a valid federal or treaty fishing identification card, to fish for steelhead trout without having in their immediate possession a valid steelhead fishing punchcard.

(2) Upon taking a steelhead trout over twenty inches in length, the holder of a steelhead fishing punchcard must immediately remove from the card one punch and enter on the corresponding space the date of the catch and the ((~~name of the water in which the fish was caught~~)) river code number as listed on the punchcard, except in waters designated as "Selective Fishery", "Catch and Release" or "Fly Fishing only—barbless hooks" by the commission, it is not necessary to remove a punch from the steelhead punchcard, if the fish is released.

(3) Every person possessing a steelhead fishing punchcard must, by June 1, following the period for which it was issued, return that punchcard to an authorized license dealer or the department.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 82-22-033
PROPOSED RULES
SHORELINE COMMUNITY COLLEGE
[Filed October 28, 1982]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Shoreline Community College District Number Seven intends to adopt, amend, or repeal rules concerning this notice proposes to amend WAC 132G-116-210 to allow faculty and staff permission to park on an annually or quarterly basis without charge; to amend WAC 132G-116-280 to change the title of dean of student services to vice president for student services; to amend WAC 132G-116-290 increasing fines or penalties assessed for violations of regulations and changing the title of dean of student services to vice president for student services; to amend WAC 132G-116-300 to change the title of dean of student services to vice president for student services; and to amend WAC 132G-116-310 to change the title of dean of student services to vice president for student services.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the hearing or in response to written or oral comments received before or during the hearing.

The agency may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

Doane F. Blair, Vice President for Student Services
Shoreline Community College
16101 Greenwood Avenue North
Seattle, Washington 98133
(206) 546-4641

that the institution will at 7:00 p.m., Tuesday, December 7, 1982, in the East Conference Room, Administration Building, Shoreline Community College, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 8, 1982.

The authority under which these rules are proposed is RCW 28B.19.030 and 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before November 10, 1982.

Dated: October 5, 1982
By: Doane F. Blair
Vice President for Student Services

STATEMENT OF PURPOSE

Title and Number of Rule Sections or Chapters: WAC 132G-116-210 Faculty and Staff Permit Periods; WAC 132G-116-290 Fines and Penalties; WAC 132G-116-280 Grievance Proceedings—Bond for Appearance—Date of Hearing; WAC 132G-116-300 Mitigation and Suspension of Penalties; and WAC 132G-116-310 Enforcement of Determination of the Dean of Student Services.

Statutory Authority: RCW 28B.19.030 and 28B.50.140.

Summary of the Amendments: Proposal to increase fines or penalties assessed for violations, permit faculty and staff to park without charge, and change the title of dean of student services to vice president for student services throughout the text.

Description of the Purpose of the Amendment: To update parking/traffic violation fees and penalties, faculty and staff parking permit regulations, and change the title of dean of student services.

Reasons Supporting the Amendment: Budgetary cutbacks require additional revenue to cover costs of enforcing the parking and traffic regulations. All faculty and staff are required to obtain parking permits either annually or quarterly without charge. The dean of student services has been promoted to vice president for student services and the text needs to be corrected.

The Agency Personnel who are Responsible for the Drafting: Doane F. Blair, Vice President for Student Services, Shoreline Community College, 16101 Greenwood Avenue N., Seattle, Washington, (206) 546-4641; Implementation: Keith LaBelle, Director of Budgeting and Accounting, Shoreline Community College, 16101 Greenwood Avenue N., Seattle, Washington, (206) 546-4672; and Enforcement: Larry Rebo, Director of Facilities Planning and Operations, Shoreline Community College, 16101 Greenwood Avenue N., Seattle, Washington, (206) 546-4503.

Name of the Organization that is Proposing the Amendment: Shoreline Community College District Number Seven.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule Amendment: None.

The rule amendment is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

AMENDATORY SECTION (Amending Order 1-35:72, filed 11/29/72, effective 1/1/73)

WAC 132G-116-210 FACULTY AND STAFF PERMIT PERIODS. All faculty and staff will park on a permit basis, i.e., either annually or quarterly. ((~~Annual permits will be payable in full approximately September 15 of each year.~~)) Regular permits will be valid 24 hours a day, 7 days a week. ((~~Evening permits will be valid only after 4 p.m.~~))

AMENDATORY SECTION (Amending Order 1-35:72, filed 11/29/72, effective 1/1/73)

WAC 132G-116-280 GRIEVANCE PROCEEDINGS—BOND FOR APPEARANCE—DATE OF HEARING. (1) The summons or traffic ticket issued pursuant to WAC 132G-116-270 shall direct the alleged violator to appear at the college business office within five calendar days.

(2) If the alleged violator does not waive his right to appear before the college ((~~Dean of~~)) vice president for student services, he will be informed that any grievance he might have must be made in writing to the said ((~~Dean of~~)) vice president for student services, giving full particulars, listing witnesses, evidence, etc.

(3) The college ((~~Dean of~~)) vice president for student services, upon receipt of the alleged violator's written grievance, will arrange time and place to discuss the violation with that individual.

AMENDATORY SECTION (Amending Order 1-35:72, filed 11/29/72, effective 1/1/73)

WAC 132G-116-290 FINES AND PENALTIES. The fines or penalties to be assessed for violation of these regulations shall be as follows:

(1) Parking violations. First offense: ((~~$1~~)) $3 if the five calendar day requirement of WAC 132G-116-280 is met; if not, ((~~$2~~)) $5

Second offense within a twelve month period: ((~~$3~~)) $5 if the five calendar day requirement of WAC 132G-116-280 is met; if not, ((~~$6~~)) $10

Three or more offenses within ((~~a twelve month period: $5 to~~)) one academic quarter: $10 and/or loss of parking privileges on campus for one year if the requirement of WAC 132G-116-280 is met; if not, ((~~$7.50 to~~)) $15 and/or loss of parking privileges on campus for one year.

(2) Exceeding speed limit. Not less than $5 or more than $25 and/or loss of parking and driving privileges on campus for up to one year, and appearance before the ((~~College Dean of~~)) vice president for student services for appropriate disciplinary action.

(3) Any other violation of these regulations. Not less than $1 nor more than $25 and/or loss of parking and driving privileges on campus for up to one year, and appearance before the ((~~College Dean of~~)) vice president for student services for appropriate disciplinary action.

The college ((~~Dean of~~)) vice president for student services or his designee shall have the right to cancel or reduce the fine or penalties if, in his judgment, the circumstances warrant such cancellation or reduction.

AMENDATORY SECTION (Amending Order 1-35:72, filed 11/29/72, effective 1/1/73)

WAC 132G-116-300 MITIGATION AND SUSPENSION OF PENALTIES. Upon the showing of good cause or mitigating circumstances, the college ((~~Dean of~~)) vice president for student services may impose any lesser fine or penalty than those established in WAC 132G-116-290 and 132G-116-310, or he may grant an extension of time within which to comply with his determination and sentence.

AMENDATORY SECTION (Amending Order 1-35:72, filed 11/29/72, effective 1/1/73)

WAC 132G-116-310 ENFORCEMENT OF DETERMINATION OF THE ((~~DEAN OF~~)) VICE PRESIDENT FOR STUDENT SERVICES. In the event a student fails or refuses to comply with the determination of the college ((~~Dean of~~)) vice president for student services, such alleged violator shall not be eligible to register for additional courses, to obtain a transcript of his grades or credits, or to receive a degree, or by any other legal means, until he has paid or otherwise complied with the determination. Any penalty is appealable through the college discipline committee.

WSR 82-22-034
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-187—Filed October 28, 1982]

I, Rolland A. Schmitten, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitten, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of chum salmon have been taken.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 28, 1982.

By Edward P. Manary
for Rolland A. Schmitten
Director

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:00 Noon October 28, 1982:

WAC 220-36-02100G SALMON FISHING—AREAS—GILLNET—SEASONS (82-185)

WSR 82-22-035
NOTICE OF PUBLIC MEETINGS
FORT STEILACOOM COMMUNITY COLLEGE
[Memorandum—October 26, 1982]

The board of trustees of Community College District Number Eleven hereby schedules the following regular board of trustees meetings for 1983.

Month (1983)	Date	Time	Location
January	4	2:00 P.M.	FSCC Campus – Board Room P 12 9401 Farwest Drive S.W. Tacoma, WA 98498
February	1	2:00	FSCC Campus – Board Room P 12
March	1	2:00	McChord Education Center McChord Air Force Base
April	5	2:00	FSCC Campus – Board Room P 12
May	3	2:00	Puyallup Eastern Extension 9404 –112th Street East Puyallup, WA 98371
June	7	2:00	Fort Lewis
July	5	2:00	FSCC Campus – Board Room P 12
August	2	NO———	MEETING——SCHEDULED
September	6	2:00	FSCC Campus – Board Room P 12
October	4	2:00	FSCC Campus – Board Room P 12
November	1	2:00	Indian Adult Learning Center 1801 East 34th Street Tacoma, WA 98404
December	6	2:00	FSCC Campus – Board Room P 12

Please Note: Special meetings other than regular meetings may be called for anytime by the chairman or a majority vote of the board. These meetings will take place at an appropriate place within the district. Special meetings will be publicly advertised at least 24 hours prior to being convened, and are open to the public. (BY LAWS)

82-22-036
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
[EO 82-20]

ESTABLISHMENT OF A MT. ST. HELENS COORDINATING GROUP

The Mt. St. Helens Coordinating Council, established by Executive Order 81-13, has accomplished its principal objectives. Yet there remains a continuing need to coordinate mitigation, planning, response, and recovery efforts of the state with local and Federal government agencies and with the private sector and to resolve ongoing problems concerning the management of public activities and hazards in relation to Mt. St. Helens.

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, do hereby establish the Mt. St. Helens Coordinating Group, in order to deal with necessary mitigation, planning, response, and recovery concerns related to Mt. St. Helens. The Group shall consist of a Hazards Management Committee and a Public Activities Management Committee. Those committees shall address the following:

Hazards Management – issues concerning the direct and indirect hazards of Mt. St. Helens;

Public Activities Management – issues concerning and related to the resources and to the public access and use of the areas surrounding Mt. St. Helens.

The Chairman of the Group shall be the Director of the Department of Emergency Services. The Chairman shall report and make recommendations to the Governor. State agencies designated by the Chairman shall participate and provide staff support and any other necessary assistance.

The Chairman shall appoint chairpersons for each of the two committees, appoint members of the committees, and request the cooperation of Federal, state, and local officials, including state legislators and representatives of the private sector, as appropriate.

All previous existing formal and ad hoc groups that have heretofore been constituted under the auspices of state executive-branch agencies in order to deal with problems related to Mt. St. Helens are hereby replaced by the Mt. St. Helens Coordinating Group.

This Executive Order corrects and supersedes Executive Order 82-18, September 30, 1982.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 27th day of October, A.D., Nineteen Hundred and Eighty-two.

John Spellman

Governor of Washington

BY THE GOVERNOR:

Donald F. Whiting

Deputy Secretary of State

WSR 82-22-037
PROPOSED RULES
PUBLIC DISCLOSURE COMMISSION
[Filed October 28, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Public Disclosure Commission intends to adopt, amend, or repeal rules concerning forms for lobbyist employers report, amending WAC 390-20-110;

that the agency will at 9:00 a.m., Tuesday, November 16, 1982, in the Second Floor Conference Room, Evergreen Plaza building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 16, 1982.

The authority under which these rules are proposed is RCW 42.17.370(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 15, 1982.

This notice is connected to and continues the matter in Notice Nos. WSR 82-17-038 and 82-21-019 filed with the code reviser's office on August 13, 1982, and October 12, 1982.

Dated: October 28, 1982
By: Graham E. Johnson
Administrator

WSR 82-22-038
EMERGENCY RULES
DEPARTMENT OF
NATURAL RESOURCES
[Order 386—Filed October 28, 1982]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to procedures for forest patrol and special forest fire suppression account assessments, implementing chapter 55, Laws of 1982 1st ex. sess. and RCW 76.04.360 and 76.04.515.

I, Brian J. Boyle, Commissioner of Public Lands, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is permanent regulations cannot be adopted in time to implement the

necessary procedures to enable the various county assessors and forest land owners to list and pay the appropriate minimum assessments for RCW 76.04.360 and 76.04.515 in 1983.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 76.04.020 which directs that the Department of Natural Resources has authority to implement the provisions of chapter 76-.04 RCW including chapter 55, Laws of 1982 1st ex. sess.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 28, 1982.

By Brian J. Boyle
Commissioner of Public Lands

NEW SECTION

WAC 332-24-500 FOREST PATROL AND SPECIAL FOREST FIRE SUPPRESSION ACCOUNT ASSESSMENTS - MINIMUM ASSESSMENT EXEMPTION PROCEDURE. (1) An owner of forest land under the provisions of RCW 76.04.360 and .515 who has two or more parcels each containing less than thirty acres in a county, shall comply with the following prescribed procedures in order to obtain the exemption to the minimum forest patrol assessments and the special forest fire suppression account assessments:

(a) Payment to the Department of Natural Resources. The forest landowner may file with the Department of Natural Resources in Olympia, Washington between July 1st and October 15th a list of such parcels that has been certified as accurate by the county assessor and pay the assessment to the Department within ten days of such filing. Under this procedure, the Department will notify the county assessor of the exemptions of such parcels from the minimum assessments on such parcels.

(b) Payment to the County Treasurer. In the alternative, the forest landowner may file with the Department of Natural Resources in Olympia, Washington between October 16th and January 1st a list of such parcels that has been certified as accurate by the county assessor. The forest landowner shall pay to the county treasurer the forest patrol and special forest fire suppression account assessments levied and on county tax statements. The Department of Natural Resources will refund the excess assessments paid upon receipt of certification by the county treasurer of payment of the assessments.

(c) Forest landowners filing with the Department of Natural Resources between dates of July 1st and October 15th who did not submit payment to the Department with such filing will be entitled to the exemption and a refund if they comply with the procedures provided in subsection (b) herein. Such forest landowners shall pay their forest patrol assessments and special forest fire suppression account assessments to the county treasurer.

(2) In the event the total acreage for all parcels filed by a forest landowner in a county exceeds thirty acres the current per acre rates for each assessment will be applied to the total acreage and payable as all other forest patrol and special forest fire suppression account assessments.

WSR 82-22-039
PROPOSED RULES
ENERGY FACILITY SITE EVALUATION COUNCIL
[Filed October 28, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Energy Facility Site Evaluation Council intends to adopt, amend, or repeal rules concerning:

Amd	WAC 463-30-260	Definition of issues before hearing.
Amd	WAC 463-30-280	Attendance by council members at prehearing conferences.
New	WAC 463-30-295	Orders regarding procedures, scheduling and substantive issues;

that the agency will at 10:30 a.m., Monday, December 13, 1982, in the EFSEC Hearing Room, 4224 6th Avenue S.E., Lacey, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 80.50.040(1).

The specific statute these rules are intended to implement is RCW 80.50.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 10, 1982.

Dated: October 29, 1982
By: Bill Fitch
Executive Secretary

STATEMENT OF PURPOSE

Rule Title and Purpose: WAC 463-30-260 Definition of Issues Before Hearing; WAC 463-30-280 Attendance by Council Members at Prehearing Conferences; and WAC 463-30-295 Orders Regarding Procedure, Scheduling and Substantive Issues.

Statutory Authority: RCW 80.50.040(1).

Rule Summary and Supporting Statement on Proposed Action: WAC 463-30-260, in all contested case proceedings the issues shall be made as precise as possible; WAC 463-30-280, council members may be present and participate in prehearing conferences; and WAC 463-30-295, the council may enter prehearing orders regarding procedure, scheduling and substantive issues which shall control the proceedings.

Agency Responsibility for Drafting: Executive Committee, Nicholas D. Lewis, Chairman, Energy Facility Site Evaluation Council, Mailstop PY-11, Olympia, WA 98504, 459-6490; Implementing: William L. Fitch, Executive Secretary, Energy Facility Site Evaluation Council, Mailstop Py-11, Olympia, WA 98504, 459-6490; and Enforcing: Nicholas D. Lewis, Chairman, Energy Facility Site Evaluation Council, Mailstop PY-11, Olympia, WA 98504, 459-6490.

Person or Organization Proposing Rule: Washington State Energy Facility Site Evaluation Council.

Agency Comments, if any: None.

AMENDATORY SECTION

WAC 463-30-260 DEFINITION OF ISSUES BEFORE HEARING. In all contested case proceedings the issues to be ~~decided~~ heard shall be made as precise as possible so that the council may ~~promptly~~ expeditiously conduct the hearing on relevant ~~and~~ material ~~matters only~~ and contested matters. It is the intent of this section and a purpose of prehearing conferences to foster agreement by the parties ~~to the~~ regarding issues to be ~~decided~~ heard. ~~In the event of failure of the parties to agree to definition and refinement of the issues for hearing the council may require submission of statements and briefs by the parties defining the principal issues. In any event the council shall define the issues for hearing and may limit the scope of hearing to those predetermined issues.~~ The council may define specific issues to be heard based upon its own expertise and issues raised by parties in a proposed prehearing order. The proposed prehearing order shall be noted for hearing at which time parties objecting to the limitation of issues shall set forth additional issues and facts upon which they base their contentions. After a hearing on the pretrial order the council shall issue an order defining the issues for hearing and shall limit the scope of the hearing to those issues. Such order may be modified only by the council on its own initiative or upon motion by a party with good cause shown.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION

WAC 463-30-280 ATTENDANCE BY COUNCIL MEMBERS AT PREHEARING CONFERENCES. Individual council members may be present ~~but not~~ and participate in prehearing conferences.

NEW SECTION

WAC 463-30-295 ORDERS REGARDING PROCEDURE, SCHEDULING AND SUBSTANTIVE ISSUES. The council may enter prehearing orders regarding procedure, scheduling and substantive issues which shall control the subsequent course of the proceedings unless modified by subsequent council action on its own motion or motion by a party upon good cause shown.

Reviser's note: The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

WSR 82-22-040
PROPOSED RULES
ENERGY FACILITY SITE EVALUATION COUNCIL
[Filed October 29, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Energy Facility Site Evaluation Council intends to adopt, amend, or repeal rules concerning:

New	WAC 463-40-010	Purpose.
New	WAC 463-40-020	Coverage.
New	WAC 463-40-030	Regulations.
New	WAC 463-40-040	Monitoring and enforcement;

that the agency will at 10:30 a.m., Monday, December 13, 1982, in the EFSEC Hearing Room, 4224 6th Avenue S.E., Lacey, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 80.50.040(1).

The specific statute these rules are intended to implement is chapter 70.105 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 10, 1982.

Dated: October 29, 1982
By: Bill Fitch
Executive Secretary

STATEMENT OF PURPOSE

Rule Title and Purpose: WAC 463-40-010 Purpose; WAC 463-40-020 Coverage; WAC 463-40-030 Regulations; and WAC 463-40-040 Monitoring and Enforcement.

Statutory Authority: RCW 80.50.040(1).

Rule Summary and Supporting Statement on Proposed Action: This action is being taken to meet U.S. Environmental Protection Agency deadline for delegation to state for on-site activities at energy facilities which involve the generation, storage, transportation, treatment or disposal of dangerous wastes.

Agency Responsibility for Drafting: Executive Committee, Nicholas D. Lewis, Chairman, Energy Facility Site Evaluation Council, Mailstop PY-11, Olympia, WA 98504, 459-6490; Implementing: William L. Fitch, Executive Secretary, Energy Facility Site Evaluation Council, Mailstop PY-11, Olympia, WA 98504, 459-6490; and Enforcing: Nicholas D. Lewis, Chairman, Energy Facility Site Evaluation Council, Mailstop PY-11, Olympia, WA 98504, 459-6490.

Person or Organization Proposing Rule: Washington State Energy Facility Site Evaluation Council.

Agency Comments, if any: None.

NEW SECTION

WAC 463-40-010 PURPOSE. The Energy Facility Site Evaluation Council, under authority invested in it by chapter 80.50 RCW is charged with the responsibility of adopting rules sufficient to the protection of the public and the environment from the effects of dangerous wastes generated at energy facilities subject to chapter 80.50 RCW.

NEW SECTION

WAC 463-40-020 COVERAGE. The provisions of this chapter shall apply state-wide for those generators of dangerous wastes under the jurisdiction of the Energy Facility Site Evaluation Council.

NEW SECTION

WAC 463-40-030 REGULATIONS. Notwithstanding the provisions of WAC 173-303-801, to the extent of their applicability and appropriateness, the provisions of WAC 173-303 shall apply to the on-site activities, at energy facilities subject to this chapter, which involve the generation, storage, transportation, treatment or disposal of dangerous wastes.

NEW SECTION

WAC 463-40-040 MONITORING AND ENFORCEMENT. The council hereby delegates to the Department of Ecology (DOE) the monitoring activities for dangerous wastes regulated by this chapter under a Certification Agreement. As a result of said monitoring activities, DOE shall report to the council any activity by a permittee which in its judgment requires the initiation of appropriate enforcement activities by the council. The council shall then take or initiate action to

enforce the terms of any Certification Agreement. This in no way shall restrict any enforcement by other public agencies and officials under existing law. If DOE determines that immediate action is needed to enforce the Act or any statute or regulation derived therefrom, it shall report immediately to the Chairman who shall initiate such immediate enforcement action as may be necessary. Such action shall remain in effect until confirmed or modified by the council.

Reviser's note: The unnecessary underscoring in the above sections occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

WSR 82-22-041
PROPOSED RULES
ENERGY FACILITY SITE EVALUATION COUNCIL
[Filed October 29, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Energy Facility Site Evaluation Council intends to adopt, amend, or repeal rules concerning:

Amd	WAC 463-42-135	Proposal—Legal descriptions and ownership interests.
Amd	WAC 463-42-155	Proposal—Energy transmission systems;

that the agency will at 10:30 a.m., Monday, December 13, 1982, in the EFSEC Hearing Room, 4224 6th Avenue, Lacey, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 80.50.040(1).

The specific statute these rules are intended to implement is RCW 80.50.010.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 10, 1982.

Dated: October 29, 1982
By: Bill Fitch
Executive Secretary

STATEMENT OF PURPOSE

Rule Title and Purpose: WAC 463-42-135 Proposal—Legal Descriptions and Ownership Interests and WAC 463-42-155 Proposal—Energy Transmission Systems.

Statutory Authority: RCW 80.50.040(1).

Rule Summary and Supporting Statement on Proposed Action: WAC 463-42-135, requests application to have legal descriptions of sites to be certified as well as identifying applicants and nonprivate ownership in said land and WAC 463-42-155, applicant shall discuss criteria, routing, conceptual design and construction schedule for all facilities which are proposed to be constructed.

Agency Responsibility for Drafting: Executive Committee, Nicholas D. Lewis, Chairman, Energy Facility Site Evaluation Council, Mailstop PY-11, Olympia, WA 98504, 459-6490; Implementing: William L. Fitch, Executive Secretary, Energy Facility Site Evaluation Council, Mailstop PY-11, Olympia, WA 98504, 459-6490; and Enforcing: Nicholas D. Lewis, Chairman, Energy Facility Site Evaluation Council, Mailstop PY-11, Olympia, WA 98504, 459-6490.

Person or Organization Proposing Rule: Washington State Energy Facility Site Evaluation Council.

Agency Comments, if any: None.

AMENDATORY SECTION

WAC 463-42-135 PROPOSAL—LEGAL DESCRIPTIONS AND OWNERSHIP INTERESTS. (1) Principal facility: The application shall contain a legal description of the site to be certified and shall identify the applicants and all nonprivate ownership interests in such land.

(2) Ancillary facilities: For those facilities described in RCW 80.50.020 (6) and (7) the application shall contain the legal metes and bounds description of the preferred centerline of the corridor necessary to construct and operate the facility contained therein, the width of the corridor, or variations in width between survey stations if appropriate, and shall identify the applicant's and others ownership interests in lands over which the preferred centerline is described and of those lands lying equidistant for 1/4 mile either side of such center line. (Statutory Authority: RCW 80.50.040(1) and chapter 80.50 RCW. 81-21-006 (Order 81-5), subsection 463-42-135, filed 10/8/81. Formerly WAC 463-42-190.)

AMENDATORY SECTION

WAC 463-42-155 PROPOSAL—ENERGY TRANSMISSION SYSTEMS. The applicant shall discuss the criteria utilized as well as describe the routing, the conceptual design, and the construction schedule ((of)) for all facilities identified in RCW 80.50.020 (6) and (7) which are proposed ((associated facilities)) to be constructed. (Statutory Authority: RCW 80.50.040(1) and chapter 80.50 RCW. 81-21-006 (Order 81-5), subsection 463-42-155, filed 10/8/81. Formerly WAC 463-42-240.)

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 82-22-042
ADOPTED RULES
DEPARTMENT OF LABOR AND INDUSTRIES
[Order 82-30—Filed October 29, 1982]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at Room 334, General Administration Building, Olympia, Washington 98504, the annexed rules relating to this notice proposes to amend the definitions section of chapter 296-04 WAC by redefining "trainee" and adding definitions of "registration" and "department." These rules establish registration fees for apprenticeship and training agreements and apprenticeship and training standards. The rules describe the consequences of failure to pay the registration fees and notify the affected public of where to send the fees. The rules specify that the registration fees include apprenticeship and training agreements and standards now registered with the Department of Labor and Industries.

The department has considered these rules with respect to the Regulatory Fairness Act (chapter 6, Laws of 1982) and believes that WAC 296-04-503 provides for smaller sponsors consistent with the purpose of the Regulatory Fairness Act.

This action is taken pursuant to Notice No. WSR 82-18-048 filed with the code reviser on August 30, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to sections 1 and 3, chapter 39, Laws of 1982 1st ex. sess. and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 29, 1982.

By Sam Kinville
Director

AMENDATORY SECTION (Amending Order 80-2, filed 2/8/80)

WAC 296-04-015 DEFINITIONS. Whenever in these rules and regulations, the following words shall have these meanings:

(1) "Council" shall mean the Washington State Apprenticeship and Training Council established pursuant to RCW 49.04.010.

(2) The words "apprenticeship committee" shall mean a state or local Joint Apprenticeship Committee established pursuant to RCW 49.04.040 and/or a committee administering a plant program.

(3) The words "regular meeting" shall mean a public meeting of the council as described in WAC 296-04-040(1).

(4) The term "special meeting" shall mean a public meeting of the council as described in WAC 296-04-040(2).

(5) The word "supervisor" shall mean the Supervisor of Apprenticeship and Training appointed pursuant to RCW 49.04.030.

(6) The term "agreement" shall mean an apprenticeship agreement and/or training agreement.

(7) The term "plant program" is defined in WAC 296-04-050.

(8) The term "individual agreement" shall mean a written agreement between an apprentice and/or trainee and either his employer or an apprenticeship committee acting as agent for the employer.

(9) The term "committee program" shall mean an apprenticeship agreement described in WAC 296-04-270(1)(a).

(10) The term "on-the-job training program" shall mean a program described in WAC 296-04-280.

(11) The term "trainee" shall mean a person registered with the supervisor pursuant to ((~~an on-the-job training program pursuant to WAC 296-04-280~~)) WAC 296-04-270 or WAC 296-04-280.

(12) The term "apprentice" shall mean a person registered with the supervisor pursuant to an apprenticeship training program pursuant to WAC 296-04-270 for purposes of chapter 49.04 RCW and these rules.

(13) The term "standards" shall mean a written agreement setting forth a plan containing all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices, as further defined in RCW 49.04.050.

(14) The term "registration" shall mean the maintenance of records of apprenticeship and training agreements and of apprenticeship and training standards.

(15) The term "sponsor" shall mean any plant, firm, facility, association, committee, or organization operating an apprenticeship and training program and in whose name the program is registered or is to be registered.

(16) The term "department" shall mean the department of labor and industries.

NEW SECTION

WAC 296-04-500 REGISTRATION FEES FOR APPRENTICESHIP AND TRAINING AGREEMENTS AND STANDARDS. The department shall charge $50.00 annually for the registration of all agreements and $200.00 annually for the registration of all standards.

NEW SECTION

WAC 296-04-501 REGISTRATION FEES FOR APPRENTICESHIP AND TRAINING AGREEMENTS. The registration fees for apprenticeship and training agreements shall be paid annually. The department shall use the anniversary date of each agreement for the purpose of determining annual payment dates. The department shall give notice that the annual registration fee for an agreement is due. The registration fee for such agreements shall be paid within 30 days after notice that the registration fee is due.

NEW SECTION

WAC 296-04-502 REGISTRATION FEES FOR APPRENTICESHIP AND TRAINING STANDARDS. The registration fee for standards shall be paid annually. The department shall use the original date of approval for each set of standards for the purpose of determining annual payment dates. The department shall give notice that the annual registration fee for a set of standards is due. The registration fee for such standards shall be paid within 30 days after notice that the registration fee is due. The sponsor shall pay the fee for registration of standards.

NEW SECTION

WAC 296-04-503 REGISTRATION FEES FOR APPRENTICESHIP AND TRAINING STANDARDS—LIMITATION ON FEES. The registration fee for a sponsor with less than five apprentices in its program shall be no more than the total amount charged to its apprentices for registration of their apprenticeship or training agreements.

NEW SECTION

WAC 296-04-504 REGISTRATION FEES—APPLICATION TO EXISTING APPRENTICESHIP AND TRAINING AGREEMENTS AND STANDARDS. The responsibility to pay annual registration fees

shall include agreements and standards that are registered on or prior to the date these rules take effect.

NEW SECTION

WAC 296-04-505 REGISTRATION FEES FOR APPRENTICESHIP AND TRAINING AGREEMENTS AND STANDARDS—EFFECT OF FAILURE TO MAKE TIMELY PAYMENT. The supervisor may remove from registration or refuse to register any agreement for which timely payment of registration fees has not been received. The supervisor shall notify the program sponsor and each affected apprentice when he removes an agreement from registration or refuses to register it.

If the fee for a set of standards is not paid, the Council shall disapprove the sponsor and the Council shall act as the joint committee. The Council shall administer the apprenticeship program for the benefit of apprentices enrolled in the program at the time the sponsor was abolished, but shall not accept any new apprentices as participants in that apprenticeship program.

If the apprentice or the sponsor timely pays the registration fee for either an agreement or standards, but the registration of the agreement or standards is erroneously canceled, the department shall reinstate the registration as though it had never been canceled after the apprentice or sponsor shows proof of payment to the supervisor.

NEW SECTION

WAC 296-04-506 REGISTRATION FEES FOR APPRENTICESHIP AND TRAINING AGREEMENTS AND STANDARDS—MAILING ADDRESS. The registration fees for apprenticeship and training agreements and standards shall be made payable to the department and shall be sent to:

Supervisor of Apprenticeship
Department of Labor and Industries
Apprenticeship Division
Forum Building
605 11th Ave. SE
Olympia, WA 98504

WSR 82-22-043
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
[Order 1775—Filed October 29, 1982]

I, M. Keith Ellis, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to importation of animals, WAC 16-54-082.

I, M. Keith Ellis, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the movement of cattle to and from Washington must be allowed to continue as set forth in administrative order number 1769 which expires on October 29, 1982, through the remainder of the current grazing season. A hearing has been scheduled to implement permanent regulations.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapter 16.36 and 16.44 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 29, 1982.

By Michael V. Schwisow
Deputy Director
for Director of Agriculture

AMENDATORY SECTION (Amending Order 1752, filed 1/14/82)

WAC 16-54-082 DOMESTIC BOVINE ANIMALS. All domestic bovine animals (including bison) except those for immediate slaughter at a federally inspected establishment, or to a quarantined registered feed lot, or beef breed cattle or slaughter only dairy breed cattle consigned to a state-federal approved stockyard, shall be accompanied by a health certificate (WAC 16-54-030) and shall meet the following requirements:

(1) Tuberculosis. All beef and dairy cattle must originate from herds not under quarantine in a not less than modified accredited area.

(2) Brucellosis. Cattle originating from states other than Washington: All domestic bovine animals (including bison) moving into Washington, except those consigned to quarantined registered feed lots, or to federally inspected slaughter establishments for immediate slaughter, or beef breed cattle or slaughter only dairy breed cattle consigned to a state-federal approved stockyard, shall be moved on a permit issued by the animal health division of the department of agriculture and an official interstate health certificate, and shall meet the following requirements:

(a) All cattle must be negative to an official brucellosis test conducted within forty-five days prior to date of entry and will be quarantined on the premises of destination and kept ((~~[separated] [separate]~~)) separate from all other cattle for retest not less than thirty nor more than sixty days from the date of previous test, except that the following classes of cattle are exempt from these test requirements:

(i) Calves under six months of age.

(ii) Steers and spayed heifers.

(iii) Officially vaccinated dairy cattle under twenty months of age and officially vaccinated beef cattle under twenty-four months of age.

(iv) Immediate slaughter cattle going directly to a federally inspected slaughter establishment.

(v) Cattle consigned directly to a quarantined registered feed lot.

(vi) Cattle from certified brucellosis free herds.

(vii) Beef breed cattle eligible for brucellosis testing coming from contiguous states certified brucellosis free

may be moved to state-federal approved livestock markets in Washington to meet entry health requirements. Cattle of the beef breeds from such equal status states and having the same import requirements as Washington are exempt from second test and quarantine requirements if found brucellosis negative on entry.

(b) After January 1, 1979, all female dairy cattle must be identified as official brucellosis calfhood vaccinates before entry. Except the following classes of cattle are exempt from this requirement:

(i) Calves under four months of age.

(ii) Those cattle consigned directly to a federally inspected slaughter plant.

(iii) Those cattle consigned directly to a quarantined registered feed lot.

(iv) Spayed heifers.

(c) Herd owners desiring to move cattle into Washington for temporary grazing purposes must obtain a prior permit from the animal health division and ((: ~~All brucellosis test eligible cattle moving on a temporary grazing permit must be officially brucellosis tested negative within twelve months of entry into Washington. They must~~)) originate in a county or other political subdivision of equal status where brucellosis has not been diagnosed in the preceding twelve months, or ((~~officially brucellosis~~)) tested negative to brucellosis within thirty days of ((~~prior to~~)) entry.

WSR 82-22-044
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
[Memorandum—October 28, 1982]

The Washington State Human rights Commission has canceled its meeting regularly scheduled for the third Thursday of December, 1982, and scheduled a special commission meeting on December 9, 1982, beginning at 9:30 a.m. The meeting will be held in State Office Building No. 2, Second Floor, Room F-20, Olympia, Washington.

WSR 82-22-045
ATTORNEY GENERAL OPINION
Cite as: AGO 1982 No. 13
[October 28, 1982

COUNTIES—TAXATION—INITIATIVE AND REFERENDUM—INITIATIVE ON ADDITIONAL LOCAL SALES AND USE TAX

Where the voters of a home rule charter county possess the general power of initiative, § 19, chapter 49, Laws of 1982, 1st Ex. Sess. requires that the "special initiative procedure" provided for in that section conform to the requirements of the county's initiative procedure.

Requested by:
Honorable Norm Maleng
Prosecuting Attorney
King County
516 Third Avenue
Seattle, Washington 98104

WSR 82-22-046
PROPOSED RULES
BOARD OF HEALTH
[Filed october 29, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Health intends to adopt, amend, or repeal rules concerning:

Amd	WAC 248-140-140	Definitions.
Amd	WAC 248-140-150	Facilities approved for termination of pregnancy.
Amd	WAC 248-140-160	Certificate of approval required.
Amd	WAC 248-140-170	Application for certificate of approval.
Amd	WAC 248-140-180	Issuance, duration, and assignment of certificate of approval.
Amd	WAC 248-140-210	Non-hospital facilities approved for termination of pregnancy during second trimester;

that the agency will at 9:00 a.m., Wednesday, December 8, 1982, in the Large Conference Room, First Floor, General Administration Building, 11th and Columbia, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 8, 1982.

The authority under which these rules are proposed is RCW 9.02.070.

The specific statute these rules are intended to implement is RCW 9.02.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 8, 1982.

Dated: October 28, 1982
By: John A. Beare, MD
Secretary

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 248-140-140 Definitions; WAC 248-140-150 Facilities Approved for Termination of Pregnancy; WAC 248-140-160 Certificate of Approval Required; WAC 248-140-170 Application for Certificate of Approval; WAC 248-140-180 Issuance, Duration and Assignment of Certificate of Approval; and WAC 248-140-210 Non-hospital Facilities Approved for Termination of Pregnancy During Second Trimester.

The Purpose of the Rule Changes: To update regulations, in light of new information technology, for medical facilities approved for lawful termination of pregnancy procedures during the second trimester of pregnancy.

The Reasons These Rules are Necessary Include: Current regulations, adopted in view of knowledge and

technology in 1973, require certification of medical facilities, (other than licensed hospitals), where performance of induction procedures (initiation of termination of pregnancy) are performed with the requirement that second trimester termination of said pregnancy (ending of the pregnancy) occur in a licensed hospital; the Center for Disease Control (CDC) has published a number of medical papers in the past five years indicating that out-of-hospital second trimester termination procedures, using a new technique, have increased safety for the woman, (when performance of second trimester abortion is required), over that of the usual in-hospital procedures using instillation techniques; the State Board of Health is required by RCW 9.02.070 to approve medical facilities for the purpose of pregnancy termination and said facilities must meet the "standards prescribed by regulations to be issued by the State Board of Health for safe and adequate care and treatment of patients," RCW 9.02.070; the state may regulate abortions in the interest of the health and safety of the patient from the end of the first trimester up to the point of viability of the fetus (a medical judgment). (U.S. Supreme court decision, Roe V. Wade); and work on updating of the above codes included representatives of the medical community who requested a review process culminating in codes which are aligned with current medical knowledge and which offer increased safety to the patient consistent with the intent of the law RCW 9.02.070.

Statutory Authority: RCW 9.02.070.

Summary of the Rule Change: WAC 248-140-140 is amended to alphabetize definitions; add definitions of "certified nurse midwife", "patient", "person", "registered nurse", "termination"; and revise definitions as required. WAC 248-140-150 is amended to provide a location other than licensed hospital where second trimester abortions may be lawfully performed. WAC 248-140-160 is amended to be consistent with WAC 248-140-150. WAC 248-140-170 is amended to require that out-of-hospital facilities in which second trimester abortions are performed apply to the department of Social and Health Services for a certificate of approval. WAC 248-140-180 is amended to clarify conditions of issuance and duration of a certificate of approval. WAC 248-140-210 is amended to reorganize and clarify content as well as to add minimal equipment, supply, and personnel requirements for safety of patients.

Person Responsible for the Drafting, Implementation and Enforcement of These Rules: John Gerth, Section Head, Licensing and Development Section, OSHPD, Division of Health, DSHS, MS LM-13, Phone: 753-5851.

The Person or Organization who Proposed These Rules: Proposed by DSHS.

These rules are not necessary as a result of federal law, federal court decision, or state court decision.

AMENDATORY SECTION (Amending Order 87, filed 6/12/73)

WAC 248-140-140 DEFINITIONS. Unless the context clearly indicates otherwise, the following terms, whenever used in this chapter, shall be deemed to have the following meanings:

(1) "Board" means the Washington state board of health.

~~(((2) "Department" means the Washington state department of social and health services, which shall serve as agent of the board.~~

~~(3) "Secretary" means the secretary of the department of social and health services or his designee or authorized representative.~~

~~(4) "Certificate of Approval" means a certificate issued in behalf of the board by the department to a nonhospital facility approved for the performance of induction procedures for the termination of pregnancy during the second trimester.~~

~~(5) "Clean" when used in reference to a room or area means space and/or equipment for storage and handling of supplies and/or equipment which are in a sanitary or sterile condition.~~

~~(6) "Facility" means any nonhospital institution, place, building or agency or portion thereof in which an induction procedure is performed for termination of pregnancy during the second trimester.~~

~~(7) "Physician" means a doctor of medicine or a doctor of osteopathy duly licensed in the state of Washington.~~

~~(8) "Physical barrier" means a partition or similar space divider designed to prevent splash or spray between room areas.~~

~~(9) "Observation unit" means a room or rooms for the segregation and close or continuous observation and care of patients immediately following an abortion procedure.~~

~~(10) "Soiled" when used in reference to a room or area, means space and equipment for collection and/or cleaning of used or contaminated supplies and equipment and/or collection and/or disposal of wastes.~~

~~(11) "Induction" means the procedure used by the licensed physician to initiate premature labor leading to delayed termination of pregnancy during the second trimester.~~

~~(12) "Second trimester" means the second three-month period of pregnancy.~~))

(2) "Certificate of approval" means a certificate issued on behalf of the board by the department to a nonhospital facility approved for the performance of induction and/or termination procedures during the second trimester.

(3) "Certified nurse anesthetist" means a registered nurse who holds a current certification credential from the American association of nurse anesthetists and whose application for certified registered nurse designation has been approved by the Washington state board of nursing pursuant to RCW 18.88.080 and WAC 308-120-300.

(4) "Clean" when used in reference to a room or area means space and/or equipment for storage and handling of supplies and/or equipment which are in a sanitary or sterile condition.

(5) "Department" means the Washington state department of social and health services, which shall serve as agent of the board.

(6) "Facility" means any nonhospital institution, place, building or agency or portion thereof in which induction and/or termination is conducted during the second trimester.

(7) "Induction" means the procedure used to initiate termination of pregnancy.

(8) "Observation unit" means a room or rooms for the segregation, close or continuous observation, and care of a patient before or after a termination procedure.

(9) "Patient" means a woman undergoing induction and/or termination of pregnancy.

(10) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association.

(11) "Physician" means an individual licensed under provisions of chapter 18.71 RCW, Physicians or chapter 18.57 RCW, Osteopathy—Osteopathic Medicine and Surgery.

(12) "Registered nurse" means an individual licensed under the provisions of chapter 18.88 RCW, Registered Nurses.

(13) "Second trimester" means the second three-month period of pregnancy.

(14) "Secretary" means the secretary of the department of social and health services or his or her designee or authorized representative.

(15) "Soiled" when used in reference to a room or area, means space and equipment for collection and/or cleaning of used or contaminated supplies and equipment and/or disposal of wastes.

(16) "Termination" means ending of a pregnancy.

AMENDATORY SECTION (Amending Order 87, filed 6/12/73)

WAC 248-140-150 ((~~HOSPITAL~~)) FACILITIES APPROVED FOR ((~~TERMINATING~~)) TERMINATION OF PREGNANCY. For the purpose of preserving and protecting maternal health, all abortions performed during the second trimester of pregnancy shall be performed ((~~only~~)) in hospitals licensed pursuant to chapter 70.41 RCW((~~: PROVIDED, That a termination of pregnancy during the~~

~~second trimester may be induced in a facility other than a licensed hospital so long as final termination takes place in a licensed hospital: PROVIDED FURTHER, That abortions during the second trimester may be performed outside licensed hospitals when the physician has determined that termination of the pregnancy was immediately necessary to meet a medical emergency~~)) or in a medical facility approved for that purpose by the board, as set forth in chapter 248-140 WAC.

AMENDATORY SECTION (Amending Order 87, filed 6/12/73)

WAC 248-140-160 CERTIFICATE OF APPROVAL REQUIRED. No person shall establish, maintain, or operate a facility in which any means are employed or actions taken for the purpose of induction ((~~of~~)) and/or termination of ((~~the~~)) a pregnancy ((~~of a woman in~~)) during the second trimester without a certificate of approval from the department: PROVIDED, That this provision shall not apply to licensed hospitals.

AMENDATORY SECTION (Amending Order 87, filed 6/12/73)

WAC 248-140-170 APPLICATION FOR CERTIFICATE OF APPROVAL. An application for a certificate of approval ((~~may~~)) shall be made to the department by facilities upon forms provided by the department and shall contain such information as the department reasonably requires and which ((~~may~~)) shall include affirmative evidence of ability to comply with these standards, rules and regulations. An application for renewal of ((~~license~~)) certificate shall be made to the department upon forms provided by ((~~it~~)) the department and submitted thirty days prior to the date of expiration of the certificate of approval.

AMENDATORY SECTION (Amending Order 87, filed 6/12/73)

WAC 248-140-180 ISSUANCE, DURATION, AND ASSIGNMENT OF CERTIFICATE OF APPROVAL. (1) Upon receipt of an application for a certificate of approval, the department shall issue a certificate of approval if ((~~the applicant~~)) the person and the facility meet the requirements, standards, rules and regulations established herein. Each certificate of approval shall be issued for the premises and persons named in the application and no certificate of approval shall be transferable or assignable. No certificate of approval shall exceed twelve months duration.

(2) If there be failure to comply with the standards, rules and regulations, the secretary may, when, in his or her judgment, the well-being and safety of patients would not be jeopardized, issue to an applicant for an initial or renewed certificate of approval, a provisional certificate of approval which will permit the operation of the facility for a specific, determined period of time. A provisional certificate of approval may be issued only when, after thorough investigation, it has been determined that time can be allowed for the facility to correct existing deficiencies without placing in jeopardy the safety or health of women ((~~who receive~~)) receiving services for the induction ((~~of~~)) and/or termination of pregnancy in second trimester. In no case shall provisional approval exceed six months without review and sanction by the secretary.

(3) Any action to deny, suspend or revoke a certificate of approval shall comply with chapter 34.04 RCW, Administrative Procedure Act, and chapter 248-08 WAC, Practice and Procedure.

AMENDATORY SECTION (Amending Order 87, filed 6/12/73)

WAC 248-140-210 NONHOSPITAL FACILITIES APPROVED FOR ((~~INDUCTION OF~~)) TERMINATION OF PREGNANCY DURING THE SECOND TRIMESTER. Any facility not an integral organizational part of a licensed hospital and not located within its premises, must meet the following requirements to be approved for the induction ((~~of~~)) and/or termination of pregnancy during the second trimester.

(1) ((~~Has~~)) There shall be an agreement with a licensed hospital, or with a physician who has admitting privileges at a licensed hospital, for transfer of patients ((~~at the time of the final stage of the termination of pregnancy during the second trimester or because of~~)) for medical emergencies((~~, such as hemorrhage, shock, perforation of the uterine wall, or infection~~)). ((~~This hospital shall be located within a total transport time of ten minutes from the facility~~)) There shall be written plans for consultation, backup services, transfer, and transport of the patient to a licensed hospital where appropriate care is available. This hospital shall be located no further than thirty minutes by ambulance from the facility.

(2) ((~~Has an induction~~)) There shall be a procedure room which shall meet((~~s~~)) the following requirements:

(a) A usable floor area with a minimum dimension((~~s~~)) of at least eight feet and a minimum area of eighty square feet, provided the room arrangement allows for required equipment being readily accessible during the procedure and allows for free movement of personnel performing the procedure.

(b) ((~~The room must be~~)) Well-lighted.

(c) ((~~Have the following equipment, supplies and storage space~~)) An examination or surgical table or equivalent.

((~~(i) Suction outlet or suction machine.~~

~~(ii) Oxygen outlet or oxygen tank.~~))

(d) Located and designed to provide easy access and egress for emergency transport of a patient.

(3) The facility shall provide the following equipment, supplies, and storage((~~, and space~~)) readily available to procedure room(s).

(a) Portable or built-in suction;

(b) Portable or built-in oxygen;

((~~(iii)~~)) (c) Intravenous stand((~~,~~)) , support, or equivalent;

((~~(iv)~~)) (d) A ((~~resuscitator.~~)) device to assist breathing;

((~~(d)~~)) (e) ((~~Storage place for~~)) Sterile surgical supplies, equipment, and emergency drugs needed during the procedure((~~,~~)) ;

((~~(e)~~)) (f) Equipment for collection of soiled linens and waste.

((~~(f) An examination or surgical table or their equivalent.~~))

(4) Instruments, equipment, and supplies used in induction and/or termination procedures shall be thoroughly cleaned, disinfected, and appropriately sterilized, when sterilization is indicated.

((~~(3)~~)) (5) The facility ((~~must~~)) shall have storage space for sterile surgical supplies, drugs, linens, anesthesia equipment, solutions, instruments, utensils, and equipment.

((~~(4)~~)) (6) ((~~Has~~)) The facility shall have a utility room or clean-up area which includes a work counter, a ((~~double-compartment~~)) sink, storage cabinet, and space for linen hampers and waste containers. Soiled areas shall be separated from clean areas ((~~by a physical barrier~~)).

((~~(5)~~)) (7) ((~~Has an autoclave of sufficient size to accommodate medical supplies and equipment to be sterilized.~~)) If the practice of sterilizing unwrapped trays of instruments and other equipment is followed, the autoclave ((~~must~~)) shall be located to provide ((~~direct~~)) access to the ((~~induction~~)) procedure room(s) ((~~from the autoclave~~)) without contamination of sterilized supplies and equipment. The autoclave may be in either a clean or soiled room wherein the arrangement and workflow is such that separation of contaminated items from sterile items is maintained. Standard procedures for sterilization of various types of supplies, equipment, utensils, and solutions shall be established and carried out. These procedures shall be written and readily available to all personnel responsible for sterilization procedures. The facility shall adopt a recognized method of checking the sterilizer's performance, in accordance with manufacturer specifications, including but not limited to spore counts and sterilizer indicators with documentation of spore count at least monthly. If sterile supplies are obtained from another source, this source and method of transport ((~~must~~)) shall meet the approval of the department.

((~~(6)~~)) (8) The facility shall have an area designated as an observation unit where the patient may be observed until the physician determines ((~~that she~~)) the patient may be released ((~~to await the final stage of termination, or be transferred to a licensed hospital for the final stage of termination~~)).

((~~(7)~~)) (9) Other requirements in the performance of the induction and/or termination procedure:

(a) The procedure shall be performed by a licensed physician.

(b) Appropriate, qualified personnel or staff shall be present in the facility at all times when a patient is present.

((~~(b)~~)) (c) No termination of pregnancy in the third trimester may be induced in an approved facility defined in these rules and regulations.

((~~(c)~~)) (d) ((~~Administration of anesthesia to the patient shall be by a licensed physician or a~~)) General anesthesia shall be administered only by a separate physician or certified nurse anesthetist.

((~~(d)~~)) (e) Flammable anesthesia shall not be used ((~~during the procedure~~)).

((~~(e) A termination of pregnancy in the second trimester may be induced in a certified medical facility other than a licensed hospital only if the final termination takes place in a licensed hospital.~~))

(f) When induction during second trimester occurs in a certified medical facility with intent to terminator the pregnancy in the certified facility, (other than a licensed hospital), there shall be a physician

and/or registered nurse present at all times until termination is successfully accomplished and the patient is discharged.

(g) All sewage, garbage, refuse, and wastes shall be disposed of in a manner to prevent creation of an unsafe or insanitary condition or nuisance.

(10) The facility, its component parts, facilities, and equipment shall be kept clean and in good repair and maintained with consideration for the safety and well-being of patients, staff, and visitors.

((~~(8)~~)) (11) The secretary may ((~~modify or~~)) exempt an applicant from one or more of the requirements of this section where, in his or her judgment the well-being and safety of the patients would not be jeopardized thereby: PROVIDED, That such action is taken only after thorough inspection and evaluation of all relevant circumstances and conditions.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 82-22-047
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-188—Filed October 29, 1982]

I, Rolland A. Schmitten, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitten, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of coho and chum salmon are available.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 29, 1982.

By W. R. Wilkerson
for Rolland A. Schmitten
Director

NEW SECTION

WAC 220-40-02200X WILLAPA HARBOR—WEEKLY PERIODS Notwithstanding the provisions of WAC 220-40-021, WAC 220-40-022 and WAC 220-40-024, it is lawful to take, fish for and possess salmon taken for commercial purposes from 4:00 PM Friday October 29, 1982, continuously through 6:00 PM Monday, November 1, 1982 in Willapa Harbor Salmon Management and Catch Reporting Areas 2G, 2H, 2J, 2K and 2M with gill net gear having 5 1/2 inch minimum and 6 1/2 inch maximum mesh restrictions and gill nets are restricted to 1500 feet in length.

WSR 82-22-048
EMERGENCY RULES
LOTTERY COMMISSION
[Order 6—Filed October 29, 1982]

Be it resolved by the Washington State Lottery Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to adding new sections WAC 315-06-060, 315-06-120, 315-11-010, 315-11-020, 315-11-030, amending WAC 315-06-020 and 315-10-030.

We, the Washington State Lottery Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the State Lottery Commission hereby declares the adoption of each and every one of the rules adopted by it today to be necessary to protect the public health, safety and welfare and are adopted on an emergency basis to protect the public health, safety and welfare.

The governor of this state has proclaimed the state to be in a fiscal and budgetary crisis. The legislature of the state, in adopting legislation authorizing a state lottery, directed the commission to promulgate rules in order that a lottery be initiated at the earliest feasible and practicable time and in order to produce the maximum amount of net revenues for the state.

In order to aid the governor in solving the state's fiscal and budgetary crisis and to meet the legislature's statutory mandate to the commission, the adoption of the initial set of regulations on an emergency basis is necessary.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapter 7, Laws of 1982 2nd ex. sess. and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 11, 1982.

By Paul L. Mack
Chairman

AMENDATORY SECTION (Amending Order 2, filed 10/15/82)

WAC 315-06-020 AUTHORIZATION TO SELL TICKETS. Licensed agents ((~~and employees of the commission designated by the director~~)) are authorized, as limited by WAC 315-04-140, to sell tickets directly to the public. ((~~Employees of the commission designated by the director to sell tickets directly to the public and retail~~)) Retail outlets of the state liquor control board are not required to be licensed as licensed agents.

NEW SECTION

WAC 315-06-060 PRICE OF TICKETS—LIMITATIONS. No licensed agent may sell a ticket at a price greater or less than that established in accordance with these rules.

NEW SECTION

WAC 315-06-120 PAYMENT OF PRIZES—GENERAL PROVISIONS. (1) The director may designate claim centers for the filing of prize claims, and the location of such centers shall be publicized from time to time by the director.

(2) A claim shall be entered in the name of a single legal entity as claimant, either one individual or one organization. A claim may be entered in the name of an organization only if the organization is a legal entity and possesses a federal employer's identification number (FEIN) as issued by the internal revenue service and such number is shown on the claim form. Groups, family units, organizations, clubs, or other organizations which are not a legal entity, or do not possess a federal employer's identification number, shall designate one individual in whose name the claim is to be entered.

(3) Unless otherwise provided in the rules for a specific type of game, a claimant shall fill out a claim form approved by the director, present the form with the claimant's ticket at a designated claim center, and receive a copy of the claim form as his or her receipt. In order to claim a prize, each claimant must complete and sign a claim form which shall include the following provisions:

(a) The discharge of the state, its officials, officers, and employees of all further liability upon payment of the prize;

(b) the discharge of the commission, director and employees of the commission of all further liability upon payment of the prize; and

(c) Permission to use the claimant's name and photograph for publicity purposes upon award of the prize.

(4) A prize must be claimed within the time limits prescribed by the director in the instructions for the conduct of a specific game, but in no case shall a prize be claimed later than 180 days after determination of the winning ticket.

(5) The director may deny awarding a prize to a claimant if:

(a) The ticket was not legally issued initially;

(b) The ticket was stolen from the commission, director, its employees or agents, or from a licensed agent; or

(c) The ticket has been altered or forged, or has otherwise been mutilated such that the authenticity of the ticket cannot be reasonably assured by the director.

(6) No person entitled to a prize may assign his or her right to claim it except:

(a) That payment of a prize may be made to any court appointed legal representative, including, but not limited to, guardians, executors, administrators, receivors, or other court appointed assignees; or

(b) For the purposes of paying federal, state or local tax.

(7) In the event that there is a dispute or it appears that a dispute may occur relative to any prize, the director may, in his or her discretion, refrain from making payment of the prize pending a final determination by the director or by a court of competent jurisdiction relative to the same.

(8) A ticket that has been legally issued by a licensed agent is a bearer instrument. The person whose name is entered on the ticket is considered the bearer of the ticket. Payment of any prize may be made to the bearer, and all liability of the state, its officials, officers, and employees and of the commission, director and employees of the commission terminates upon payment.

(9) All prizes shall be paid within a reasonable time after the claims are verified by the director and a winner is determined. The date of the first installment payment of each prize requiring installment payments shall be the commencement date of the payments and a payment shall be made on the anniversary date of said payment thereafter in accordance with the type of prize awarded.

(10) The director may, at any time, delay any payment in order to review a change of circumstances relative to the prize awarded, the payee, the claim, or any other matter that may have come to his or her attention. All delayed payments shall be brought up to date immediately upon the director's confirmation and continue to be paid on each original anniversary date thereafter.

(11) If any prize is payable for the life of the claimant, only a natural person may claim such a prize and, if claiming on behalf of a group, corporation or the like, the life of such natural person claiming the prize shall be the measuring life.

(12) The director's decisions and judgments in respect to the determination of a winning ticket or of any other dispute arising from the payment or awarding of prizes shall be final and binding upon all participants in the lottery.

(13) Each licensed agent shall pay all prizes authorized to be paid by the licensed agent by these rules during its normal business hours at the location designated on its license.

(14) In the event a dispute between the director and the claimant occurs as to whether the ticket is a winning ticket, and if the ticket prize is not paid, the director may, solely at his or her option, replace the disputed ticket with an unplayed ticket (or tickets of equivalent sales price from any game). This shall be the sole and exclusive remedy of the claimant.

AMENDATORY SECTION (Amending Order 3, filed 10/15/82)

WAC 315-10-030 INSTANT GAMES CRITERIA. (1) The price of an instant game ticket shall not be less than $1.00 and not more than $5.00.

(2) Winners of an instant game are determined by the matching or specified alignment of the play numbers on the tickets. The ticket bearer must notify the lottery of the win and submit the winning ticket to the lottery as specified by the director. The winning ticket must be validated by the lottery through use of the validation number and any other means as specified by the director.

(3) The total of all prizes available to be won in an instant game shall not be less than forty-five percent of the instant game's projected revenue.

(4) The instant game shall pay out both lower tier prizes and higher tier prizes. Lower tier prizes are of less than $25.00. Higher tier prizes are of $25.00 or more. The director shall determine the number of lower and higher tier prizes.

(5) The length of operation of an instant game shall not exceed fifteen weeks. The start date and closing date of the instant game shall be publicly announced.

(6) There is no required frequency of drawing or method of selection of a winner in an instant game.

(7) At the director's discretion, an instant game may include a grand prize drawing(s). The criteria for the grand prize drawing shall be as follows:

(a) Not more than ten finalists for a grand prize drawing shall be selected in an elimination drawing from redeemed tickets winning certain minimum prizes as determined by the director. Participation in the elimination drawing(s) shall be limited to such tickets which are actually received and validated by the director on or before a date to be announced by the director. The director may reserve the right to place any semi-finalist whose entry was not entered in the elimination drawing(s) and who is subsequently determined to have been entitled to such entry into an elimination drawing of a subsequent instant game, and the determination of the director shall be final.

(b) The prize of the grand prize drawing shall not exceed one million dollars. The number of such prizes shall be determined by the director to correspond with the size and length of the instant game and to comply with (3) above.

(c) The dates and times as well as the procedures for conducting the elimination drawing and grand prize drawing shall be determined by the director.

(8) Procedures for claiming instant prizes are as follows:

(a) To claim an instant prize of less than $25.00, the claimant shall present the winning ticket to the licensed agent from whom the ticket was purchased. The licensed agent shall verify the claim and, if acceptable, make payment of the amount due the claimant. In the event the licensed agent cannot verify the claim, the claimant shall fill out a claim form, as provided in WAC 315-06-120, which shall be obtained from the licensed agent and present the completed form, together with the disputed ticket to the designated claim center. The licensed agent shall deliver one copy of the claim form to the claimant and forward the disputed ticket and a copy of the claim form to the director for validation. If the claim is validated by the director, a check shall be forwarded to the claimant in payment of the amount due. In the event that the claim is not validated by the director, the claim shall be denied and the claimant shall be promptly notified.

(b) To claim an instant prize of $25.00 or more, the claimant shall ((~~fill out~~)) complete a claim form, as provided in WAC 315-06-120, which is obtained from the licensed agent or the director and ((~~present~~)) mail, by registered or certified mail, the completed form together with the winning ticket to the ((~~licensed agent or the~~)) director. ((~~The licensed agent shall deliver one copy of the claim form to the claimant and forward the winning ticket and a copy of the claim form to the director for validation.~~)) Upon validation by the director, a check shall be forwarded to the claimant in payment of the amount due, less any applicable federal income tax withholding. In the event that the claim is not validated by the director, the claim shall be denied and the claimant shall be promptly notified.

(c) Any ticket not passing all the validation checks specified by the director is void and ineligible for any prize and shall not be paid. However, the director may, solely at his or her option, replace an invalid ticket with an unplayed ticket (or tickets of equivalent sales price from any other current game). In the event a defective ticket is purchased, the only responsibility or liability of the director shall be the replacement of the defective ticket with another unplayed ticket (or tickets of equivalent sale price from any other current game).

NEW SECTION

WAC 315-11-010 DEFINITIONS FOR INSTANT GAME NUMBER 1. (1) Play Numbers for Instant Game Number 1 - The following are the "Play Numbers": "$2.00", "$5.00", "$100", "$500", "$1,000" and "$5,000." Each such Play Number is printed in gray black ink and one of these Play Numbers appears under each of the six rub-off spots on the front of the ticket in the Archer font in positive.

(2) Validation Number for Instant Game Number 1 - The nine-digit number of the front of the ticket under the "Void if Removed" area on the bottom center of the front of the ticket. There is no ticket stub for Instant Game Number 1.

(3) Book-Ticket Number - The ten-digit number on the form 1000001-000 printed on the back of the ticket in .11" high type in red. The first seven digits of the Book-Ticket Number for Instant Game Number 1 constitute the "Book Number" and start at 1000001 for Instant Game Number 1. The last three digits of the Book-Ticket Number for Instant Game Number 1 are the "Ticket Number" and start at 000 and continue sequentially through 199 within each book of tickets.

(4) Caption - The small printed material appearing below each Play Number which verifies and corresponds with the Play Number. The Caption usually is a spelling out, in full or abbreviated form, of the Play Number. One and only one of these Captions appears under each Play Number and is printed in gray black ink in positive. For Instant Game Number 1, the Caption which corresponds with and verifies the Play Numbers for Instant Game Number 1 is as follows:

Play Number	Caption
$2	TWO
$5	FIVE
$100	1 HUND
$500	5 HUND
$1,000	ONE THOU
$5,000	FIVE THOU

(5) Agent Validation Codes – Agent Validation Codes are codes, usually consisting of small letters found under the removable covering on the front of the ticket, which the licensed agent uses to verify and validate winners below $25. For Instant Game Number 1, the Agent Validation Code is a three-letter code, with each letter appearing in a varying three of nine locations beneath the removable covering and among the Play Numbers. For game 1, the Agent Validation Code is used by the licensed agent to verify $2 and $5 winners and the codes which correspond with, and verifies, each of these winners is as follows:

TWO = $2.00
FIV = $5.00

(6) Book – A pack of fanfolded instant game tickets which are attached to each other by perforations, which perforations the licensed agent tears when the agent sells a ticket, and which fanfolded tickets are packed in a plastic bag or a plastic shrinkwrapping. In Instant Game Number 1, a "Book" shall consist of 200 fanfolded instant game tickets bearing a common "Book Number" and having a "Ticket Number" starting at 000 and continuing sequentially through 199.

NEW SECTION

WAC 315-11-020 CRITERIA FOR INSTANT GAME NUMBER 1. (1) The price of an instant game ticket shall be $1.00.

(2) Determination of Prize Winners: The following specify how a prize winner of an instant cash prize is determined in Instant Game 1:

(a) The bearer of a ticket having an occurrence of "$2.00" as a Play Number in each of three separate boxes on the ticket shall be entitled to a prize of $2.00;

(b) the bearer of a ticket having an occurrence of "$5.00" as a Play Number in each of three separate boxes on the ticket shall be entitled to a prize of $5.00;

(c) The bearer of a ticket having an occurrence of "$100" as a Play Number in each of three separate boxes on the ticket shall be entitled to a prize of $100;

(d) The bearer of a ticket having an occurrence of "$500" as a Play Number in each of three separate boxes on the ticket shall be entitled to a prize of $500;

(e) The bearer of a ticket having an occurrence of "$1,000" as a Play Number in each of three separate boxes on the ticket shall be entitled to a prize of $1,000; and

(f) The bearer of a ticket having an occurrence of "$5,000" as a Play Number in each of three separate boxes on the ticket shall be entitled to a prize of $5,000.

In any event only the highest prize amount meeting the standards of (a) through (f) will be paid on a given ticket.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements and to the particular validation requirements for Instant Game Number 1.

(5) Grand Prize Drawing for Instant Game Number 1: Participants in the Grand Prize Drawings shall be those ticket bearers with an instant cash winning ticket of exactly $100, which ticket is a valid $100 winner which is claimed within thirty days after the announced end of Instant Game Number 1 in the manner prescribed on the back of the instant ticket. Two, and only two, Grand Drawings will be held for Instant Game Number 1, whether or not it is extended by the sale of additional tickets. The holder of a ticket eligible for participation will only be eligible for participation in one Grand Prize Drawing for each eligible ticket held. The Grand Prize Drawings will be conducted at times and places to be announced and pursuant to methods to be announced by the director. The prizes involved in the Grand Prize Drawings will be, for each drawing; First Prize, $1,000,000, paid as $50,000 a year for 20 years; Second Prize, $50,000; and eight Third Prizes of $10,000 each. The director does reserve the right, provided by WAC 315-10-030(7) to place any ticket bearer who was entitled to entry in the drawing whose entry was not entered in the elimination drawing and who is subsequently determined to have been entitled to such entry into such elimination drawing into an elimination drawing of a subsequent instant game having equal (or greater) Grand Prizes available.

(6) Notwithstanding any other provisions of these rules, the director may vary the length of Instant Game No. 1 or the number of tickets sold in Instant Game No. 1, to increase the number of Grand Prize Drawing winners so as to maintain the estimated average odds of winning a Grand Prize Drawing.

NEW SECTION

WAC 315-11-030 TICKET VALIDATION REQUIREMENTS. Besides meeting all of the other requirements in these rules, the following validation requirements will apply with regard to instant game tickets in Instant Game Number 1. To be a valid instant game ticket, all of the following requirements must be met:

(1) Exactly one Play Number must appear under each of the six rub-off spots in the right portion of the ticket.

(2) Each of the six Play Numbers must have a Caption underneath, and each must agree with its Caption.

(3) Each of the six Play Numbers must be present in its entirety and be fully legible.

(4) Each of the six Captions must be present in its entirety and be fully legible.

(5) Each of the six Play Numbers and their Captions must be printed in gray black ink.

(6) The ticket shall be intact.

(7) The Book-Ticket Number, Validation Number and Agent Validation Code must be present in their entirety and be legible. The Validation Number shall correspond, using the manufacturer's computer code, to the Play Numbers on the ticket.

(8) The ticket must not be mutilated, altered, unreadable, reconstituted, or tampered with in any manner.

(9) The ticket must not be counterfeit in whole or in part.

(10) The Validation Number and Agent Validation Code shall be printed in gray black ink and the Book–Ticket Number shall be printed in red ink.

(11) The ticket must have been issued by the director in an authorized manner.

(12) The ticket must not be stolen nor appear on any list of omitted tickets on file with the director.

(13) The Play Numbers, Captions, Validation Number, Agent Validation Code and Book–Ticket Number must be right side up and not reversed in any manner.

(14) The ticket must be complete, not miscut, have exactly one Play Number and exactly One Caption under each of the six rub–off spots, exactly one Book–Ticket Number, exactly one Agent Validation Code, and exactly one Validation Number.

(15) The Validation Number of an apparent winning ticket shall appear on the lottery's Official List of Validation Numbers of winning tickets, and a ticket with that Validation Number shall not have been previously paid.

(16) The ticket must not be blank or partially blank, misregistered, defective, or printed or produced in error.

(17) Each of the Play Numbers must be exactly one of those described in WAC 315–11–010(1) and each of the Captions to the six Play Numbers must be exactly one of those described in WAC 315–11–010(4).

(18) Each of the six Play Numbers on the ticket must be printed in the Archer size font and must correspond precisely to the artwork on file with the director; each of the six Captions must be printed in the Mead 5 x 9 font and must correspond precisely to the artwork on file with the director; the Book–Ticket number must correspond precisely to the artwork on file with the director; and the Validation Number must be printed in the Mead 9 x 12 font and must correspond precisely to the artwork on file with the director.

(19) The display printing must be regular in every respect and correspond precisely with the artwork on file with the director.

(20) No portion of the "Void if Removed" spot may be exposed.

(21) The ticket must pass all additional confidential validation tests of the director.

WSR 82-22-049
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82–189—Filed October 29, 1982]

I, Rolland A. Schmitten, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitten, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is restrictions in Areas 6, 6A, 7 and 7A provide protection for Canadian chum stocks until reliable updates are obtained while allowing a limited harvest, limited impact, limited effort, immobile treaty Indian fishery in Areas 7 and 7A. Restrictions in Areas 7C and the Samish River provide secondary protection for coho and chum returning to the Samish River. Restrictions in Areas 10C, 10D and the Cedar River provide protection for Lake Washington sockeye. Restrictions in the Skagit River provide protection for local spawning salmon stocks. Restrictions in Areas 12A and 12D provide secondary protection for local chum salmon. Restrictions in Area 12C provide protection for chum salmon destined for the Hoodsport Hatchery. Restrictions in Area 7B and the Nooksack River prevent further overharvest of treaty Indian allocation.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 29, 1982.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220–28–229 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS Effective immediately it is unlawful for treaty Indian fishermen to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

**Areas 6 and 6A – Closed to all commercial fishing.*

**Areas 7 and 7A – Effective October 31, closed to all commercial net fishing excluding reef net gear.*

**Area 7B – Effective October 31, closed to all commercial fishing.*

Area 10C – Closed to all commercial fishing.

Area 10D – Closed to all commercial fishing in that portion within 250 yards of the eastern and northern shores of Lake Sammamish between the Sammamish River and Issaquah Creek.

Areas 12A and 12D – Closed to all commercial fishing.

Area 12C – Closed to all commercial fishing within 1,000 feet of the western shore between Hoodsport Marina Dock and Glen Ayr Trailer Park.

Cedar River and Samish River – Closed to all commercial fishing.

Skagit River upstream of Old Faber Ferry Landing including all tributaries – Closed to all commercial fishing.

**Nooksack River – Effective October 31, closed to all treaty commercial fishing.*

REPEALER

Effective immediately the following section of the Washington Administrative Code is repealed:

WAC 220-28-228 PUGET SOUND COMMERCIAL FISHING RESTRICTIONS (82-181)

WSR 82-22-050
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-190—Filed October 29, 1982]

I, Rolland A. Schmitten, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitten, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is all citizen fishery openings allow continued harvest of non-Indian allocation of harvestable coho and chum salmon surpluses. All other Puget Sound areas are closed to all citizen commercial fishing to prevent overharvest of salmon stocks or to protect the integrity of in-season run size updates.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 29, 1982.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-47-718 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice it is unlawful to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Areas 4B, 5, 6, 6A, 6B, and 6C – Closed.

Area 6D – Closed except gill nets using 5" minimum mesh may fish 24 hours/day, 7 days/week, through 9 AM October 30, and purse seines may fish 5 AM to 9 PM through October 30.

**Areas 7 and 7A – Closed, except reef nets may fish from 5 AM to 8 PM daily, November 1, 2, and 3.*

**Area 7B – Closed except gill nets using 6" minimum mesh may fish from 4 PM October 31 to 8 AM November 1; and purse seines may fish from 5 AM to 8 PM November 1.*

**Area 7C – Closed.*

**Area 8 – Closed except gill nets using 6" minimum mesh may fish from 4 PM to 8 AM nightly, November 1 through the morning of November 3; and purse seines using the 5" strip may fish from 5 AM to 8 PM daily, November 1 and 2.*

**Area 8A – Closed except gill nets using 6" minimum mesh may fish from 4 PM to 8 AM nightly, November 1 through the morning of November 4; and purse seines using 5" strip may fish from 5 AM to 8 PM daily, November 1 through 3.*

**Area 9 excluding those waters inside and westerly of a line from Point No Point light to Sierra Echo buoy to Forbes Landing Wharf east of Hansville, closed except gill nets using 6" minimum mesh may fish from 4 PM to 8 AM nightly, November 1 through the morning of November 4; and purse seines using 5" strip may fish from 5 AM to 8 AM daily, November through 3.*

**Area 10 west of a line from Meadow Point to West Point – Closed except gill NETS USING 6" minimum mesh may fish from 4 PM November 1 to 8 AM November 2; and purse seines using the 5" strip may fish from 5 AM to 8 PM November 1.*

**Area 11 excluding those waters southerly of a line from Browns Point to the northernmost point of land on Point Defiance – Closed except gill nets using 6" minimum mesh may fish from 4 PM November 1 to 8 AM November 2; and purse seines using the 5" strip may fish from 5 AM to 8 PM November 1.*

**Area 12 – Closed except gill nets using 6" minimum mesh may fish from 4 PM to 8 AM nightly, November 1 through the morning of November 4; and purse seines using 5" strip may fish from 5 AM to 8 PM daily, November 1 through 3.*

**Area 12B – Closed except gill nets using 6" minimum mesh may fish from 4 PM to 8 AM nightly, November 1 through the morning of November 4; and purse seines using 5" strip may fish from 5 AM to 8 PM daily, November 1 through 3, north of a line from Hood Point to Quatsap Point.*

Areas 9A, 10A, 10B, 10C, 10D, 10E, 11A, 12A, 12C, 12D, 13, 13A, 13B, and all freshwater areas – Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective immediately.

WAC 220-47-717 Puget Sound All-Citizen Commercial Salmon Fishery (82-182)

WSR 82-22-051
PROPOSED RULES
PARKS AND RECREATION COMMISSION
[Filed November 1, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Parks and Recreation Commission intends to adopt, amend, or repeal rules concerning the conduct of meetings;

that the agency will at 9 a.m, Monday, December 20, 1982, in the Commission Chambers, Port of Seattle, 2201 Alaskan Way South, Seattle, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 43.51.060.

The specific statute these rules are intended to implement is RCW 42.30.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 17, 1982.

Dated: November 1, 1982
By: Gary Robinson
Executive Assistant

STATEMENT OF PURPOSE

Title: Duties of Chairman and Conduct of Meetings, WAC 252-04-010.

Description of Purpose: The proposed rule implements RCW 42.30.070 which states that the commission is to indicate the time when regular commission meetings are held.

Statutory Authority: RCW 43.51.060.

Statute Which Rule Implements: RCW 42.30.070.

Summary of Rule: The proposed rule increases the number of regular meetings which the commission holds each calendar year from eight to ten.

Reasons Supporting Proposed Action: The proposed rule enables the commission to review the frequency of regular meetings during each calendar year.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jan Tveten, Director, Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, KY-11, Olympia, Washington 98504, (206) 753-5757.

Proposing: Washington State Parks and Recreation Commission.

Federal Law/Court Action: The proposed rule is not necessary because of federal law or federal or state court action.

AMENDATORY SECTION (Amending Order 57, filed 3/23/82)

WAC 352-04-010 DUTIES OF CHAIRMAN AND CONDUCT OF MEETINGS. (1) The chairman shall call and preside at all regular or special meetings.

(2) The duties of the vice-chairman shall be to preside at all regular or special meetings in the absence of the chairman. In addition, the vice-chairman shall serve as chairman upon his resignation, death, or incapacitation for any reason, and shall so serve until the next regular election, or until the chairman is again able to serve, whichever shall first occur.

(3) The secretary shall cause minutes to be taken and recorded of all regular or special meetings, and shall sign such minutes when transcribed and approved by the commission. In addition, the secretary shall succeed to the offices of vice-chairman or chairman in the same manner and under the same conditions as set forth above for the vice-chairman.

(4) ((~~Eight~~)) Ten regular meetings shall be held each calendar year, commencing at 9:00 a.m., on the third Monday of each month in which a meeting is to be held, unless otherwise called by the chairman or a majority of the commissioners. An annual schedule of the months in which meetings are to be held, and their locations, will be adopted by the commission during the last regular meeting of each calendar year, and will be published each January in the Washington state register, in accordance with RCW 42.30.075.

(5) An annual election shall be conducted for the offices of chairman, vice-chairman, and secretary, at the first regular meeting of every year. The election shall be conducted by written ballot.

(6) The order of business at all regular meetings shall be:

(a) The call of the roll.

(b) Minutes of the previous meeting.

(c) Acceptance of agenda.

(d) Business of the day.

(e) Date and location of next meeting.

(f) Adjournment.

(7) The chairman shall be a voting member of the commission. A majority of the authorized commission membership shall constitute a quorum for the transaction of business at all regular and special meetings. A majority vote of the commissioners present shall be sufficient to pass or defeat each measure brought to a vote, unless otherwise required by law. When a unanimous vote of the authorized membership of the commission is required by law to pass any measure brought to a vote, the vote of any absent commissioner may be registered by mail, or by telephone: PROVIDED, That any mailed ballot shall be opened and read, or any telephoned vote shall be communicated during the meeting at which such measure is being considered: AND PROVIDED FURTHER, That the chairman shall identify the absent commissioner or commissioners so voting, and that such identification shall be incorporated into the minutes of the meeting.

WSR 82-22-052
ADOPTED RULES
OFFICE OF ADMINISTRATIVE HEARINGS
[Order 3—Filed November 1, 1982]

I, David R. LaRose, Chief Administrative Law Judge, director of the Office of Administrative Hearings, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

New	ch. 10-04 WAC	Agency organization—Public records.
New	ch. 10-08 WAC	Uniform procedural rules for the conduct of contested cases.
New	ch. 10-12 WAC	Compliance with State Environmental Protection Act.

This action is taken pursuant to Notice No. WSR 82-16-085 filed with the code reviser on August 4, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

These rules are promulgated pursuant to the following, and are intended to administratively implement

those statutes: Chapter 10-04 WAC - RCW 34.04.020 and 47.17.250 - 47.17.320; Chapter 10-08 WAC - RCW 34.04.020 and 34.04.022; Chapter 10-12 WAC - RCW 43.21C.120.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED November 1, 1982.

By David R. LaRose
Chief Administrative Law Judge

Chapter 10-04 WAC
AGENCY ORGANIZATION—PUBLIC RECORDS

NEW SECTION

WAC 10-04-010 PURPOSE. The purpose of this chapter is to provide rules implementing RCW 34.04-.020 and RCW 42.17.250 through 42.17.320 for the office of administrative hearings.

NEW SECTION

WAC 10-04-020 FUNCTION—ORGANIZATION—OFFICES. The office of administrative hearings was created by chapter 34.12 RCW for the impartial administration of administrative hearings for state agencies. The office is under the direction of the chief administrative law judge and is organized in two divisions, the benefits division and the regulatory and special assignments division.

Administrative law judges assigned to the two divisions preside over hearings in contested cases and issue proposals for decisions, including findings of fact and conclusions of law. The benefits division is responsible for hearings held before the employment security department and the department of social and health services. The regulatory and special assignments division is responsible for hearings held before the utilities and transportation commission, the liquor control board, the department of licensing, and any other state agency as defined in RCW 32.12.020(4).

The administrative office is located at Building No. 1, 4224 - 6th Avenue S.E., Lacey, Washington, 98504. The office hours are 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m., Monday through Friday except legal holidays. Administrative law judges are housed in the following field offices:

Social & Health Subdivision
1117 Jefferson
Olympia WA 98504

Social & Health Subdivision
1414 Dexter Avenue North
Seattle WA 98109

Social & Health Subdivision
428 Hutton Building
South 9 Washington
Spokane WA 99204

Social & Health Subdivision
2925 Rockefeller
Everett WA 98201

Yakima Subdivision
1110 West Lincoln Avenue
Yakima WA 98902

Utilities & Transportation Subdivision
6th Floor Highways-Licenses Building
Olympia WA 98504

Liquor Control Subdivision
1025 East Union
Olympia WA 98504

Employment Security Subdivision
Room 606 Securities Building
1904 Third Avenue
Seattle WA 98101

Employment Security Subdivision
Capitol 5000 Building
Olympia WA 98504

Employment Security Subdivision
P.O. Box TAF-C-14
Spokane WA 99220

All written communications by parties pertaining to a particular case shall be filed with the field office, if any, assigned to the case, and otherwise with the deputy chief administrative law judge at the administrative office.

NEW SECTION

WAC 10-04-030 PUBLIC RECORDS—AVAILABILITY. Public records are available for public inspection and copying except as otherwise provided by RCW 42.17.310 and these rules.

NEW SECTION

WAC 10-04-040 PUBLIC RECORDS—OFFICER. The public records officer for the administrative office shall be the confidential secretary to the chief administrative law judge. For those records maintained at field office locations, the public records officer shall be the senior administrative law judge in benefits division field offices and the deputy chief administrative law judge for regulatory and special assignments field offices.

NEW SECTION

WAC 10-04-050 REQUESTS FOR PUBLIC RECORDS. In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the office which shall be available at the offices where records are maintained. The form shall be presented to the public records officer, or to a member of the staff designated by him or her if the public records

officer is not available, during office hours. The request shall include the following information:

(a) The name of the person requesting the record;

(b) The time of day and calendar date on which the request was made;

(c) The nature of the request;

(d) An appropriate description of the record requested;

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or designated staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

NEW SECTION

WAC 10-04-060 COPYING FEES. No fee shall be charged for the inspection of public records. The office shall charge a fee of ten cents per page of copy for providing copies of public records and for the use of the office's copy equipment. This charge is the amount necessary to reimburse the office for its actual costs incident to such copying.

NEW SECTION

WAC 10-04-070 EXEMPTIONS. (1) The office reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 10.04.050 is exempt under the provisions of RCW 47.17.310.

(2) In addition, pursuant to RCW 42.17.260(1), the office reserves the right to delete identifying details when it makes available or publishes any public record in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the records withheld.

NEW SECTION

WAC 10-04-080 REVIEW OF DENIALS OF PUBLIC RECORDS REQUEST. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the chief administrative law judge or his designee. The chief administrative law judge or his designee shall immediately consider the matter and either affirm or reverse such denial within five business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the chief administrative law judge or his designee has returned the petition with a decision or until the close of the fifth business day following denial of inspection, whichever occurs first.

NEW SECTION

WAC 10-04-090 PROTECTION OF PUBLIC RECORDS. (1) No person shall knowingly alter, deface, or destroy public records of the office.

(2) Original copies of public records of the office shall not be removed from the premises where maintained by the office.

(3) Care and safekeeping of public records of the office, furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.

(4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.

(5) Boisterous or otherwise disruptive conduct by those requesting public records of the office shall not be permitted.

Chapter 10-08 WAC
UNIFORM PROCEDURAL RULES FOR THE CONDUCT OF CONTESTED CASES

NEW SECTION

WAC 10-08-010 APPLICATION OF CHAPTER 10-08 WAC. Chapter 10-08 WAC is promulgated by the chief administrative law judge pursuant to the provisions of RCW 34.04.022, as amended by chapter 67, Laws of 1981. These rules shall govern administrative practice and procedure in all contested case hearings before any state board, commission, department, or officer authorized by law to adjudicate contested cases except those in the legislative or judicial branches, the state militia, the board of prison terms and paroles, institutions of higher education as defined in RCW 28B.19-.020, the board of industrial insurance appeals, and the board of tax appeals unless an election is made pursuant to RCW 82.03.140 or 82.03.190: PROVIDED, HOWEVER, That these rules shall not apply to the denial, suspension or revocation of a driver's license by the department of licensing.

NEW SECTION

WAC 10-08-020 SCOPE OF CHAPTER 10-08 WAC. (1) Chapter 10-08 WAC applies to all stages of the conduct of a contested case from issuance of the notice of hearing through issuance of a proposed decision, an initial decision, or the agency's final decision if no proposed or initial decision is required or issued. Form and content of pleadings, procedures for settlement or disposition without hearing, and procedures for obtaining review by the agency of proposed and initial decisions and reconsideration of final decisions shall be as specified in the agency's rules as in effect on June 30, 1982, or as thereafter adopted or amended by the agency.

(2) Except as provided in subsection (3) of this section, these rules supersede the rules of practice and procedure adopted by agencies for the conduct of contested cases from issuance of the notice of hearing through issuance of a proposed or initial decision or final decision if no proposed or initial decision is required or issued.

(3) Demonstrable needs exist for variation among agencies with respect to:

(a) Qualifications of persons appearing in a representative capacity, and

(b) Discovery.

Therefore, these rules do not supersede rules adopted by agencies with respect thereto.

NEW SECTION

WAC 10-08-030 DEFINITIONS. "Presiding officer" means an agency official(s), administrative law judge, hearing examiner, hearing officer, or other person authorized by law or appointed to preside over a contested case hearing.

NEW SECTION

WAC 10-08-040 NOTICE OF HEARING. (1) In any contested case all parties shall be served with a notice within the time required by statute governing the respective agency or proceeding, and in the absence of a statutory requirement, not less than twenty days before the date set for the hearing. The notice shall include the information specified in RCW 34.04.090(1) and if the hearing is to be conducted by teleconference call the notice shall so state. The notice shall also include such other information as may be necessary to apprise the parties of the scope and purpose of the hearing.

(2) Defects in notice may be waived if all parties acquiesce.

NEW SECTION

WAC 10-08-050 ASSIGNMENT OF ADMINISTRATIVE LAW JUDGE. Whenever a state agency as defined in RCW 34.12.020(4) conducts a hearing which is not presided over by officials of the agency who are to render the final decision, the agency shall either:

(1) File with the office of administrative hearings a copy of the hearing file and notice of hearing together with a request for assignment of an administrative law judge to preside over the hearing; or

(2) File with the office of administrative hearings a copy of the hearing file, which filing shall be deemed to be a request for assignment of an administrative law judge to issue the notice of hearing and preside over the hearing.

(3) Motions of prejudice with supporting affidavits under RCW 34.12.050 must be filed at least three days prior to the hearing or any earlier stage of the proceeding at which the administrative law judge may be required to issue a discretionary ruling. If the notice of hearing does not state the name of the presiding administrative law judge, the chief administrative law judge shall make such assignment at least five days prior to the hearing and shall disclose the assignment to any party or representative making inquiry. Subsequent motions of prejudice filed by the same party in the same proceeding shall be ruled upon by the chief administrative law judge or his or her designee.

NEW SECTION

WAC 10-08-060 INTERVENTION. Where agency statute or substantive rule permits intervention, all parties shall be afforded an opportunity to be heard on petitions for intervention prior to or at the commencement of the hearing or as soon thereafter as the petition is received.

NEW SECTION

WAC 10-08-080 COMPUTATION OF TIME. In computing any period of time prescribed or allowed by any applicable statute or rule, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation.

NEW SECTION

WAC 10-08-090 CONTINUANCES. Postponements, continuances, extensions of time, and adjournments may be ordered by the presiding officer on his or her own motion or may be granted on timely request of any party, with notice to all other parties, showing good and sufficient cause therefor.

NEW SECTION

WAC 10-08-110 FILING AND SERVICE OF PAPERS. (1) All notices, pleadings, and other papers filed with the presiding officer shall be served upon all counsel and representatives of record and upon parties not represented by counsel or upon their agents designated by them or by law.

(2) Service shall be made personally or, unless otherwise provided by law, by first-class, registered, or certified mail, or by telegraph.

(3) Service by mail shall be regarded as completed upon deposit in the United States mail properly stamped and addressed, and by telegraph when deposited with a telegraph company properly addressed and with charges prepaid.

(4) Papers required to be filed with the agency or with the presiding officer shall be deemed filed upon actual receipt during office hours at any office of the agency or of the presiding officer.

(5) Where proof of service is required by statute or rule, filing the papers with the presiding officer, together with either an acknowledgment of service or the following certificate shall constitute proof of service:

"I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding by delivering a copy thereof in person to

(names) or by mailing a copy thereof, properly addressed with postage prepaid, to each party to the proceeding or his or her attorney or authorized agent.

"Dated
at ..... this ... day of ....., 198....
(signature)"

NEW SECTION

WAC 10-08-120 SUBPOENAS. (1) Subpoenas shall be issued and enforced, and witness fees paid, as provided in RCW 34.04.105.

(2) Every subpoena shall identify the party causing issuance of the subpoena and shall state the name of the agency and the title of the proceeding and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents, or things under his or her control at the time and place set for the hearing.

(3) A subpoena may be served by any suitable person over 18 years of age, by exhibiting and reading it to the witness, or by giving him or her a copy thereof, or by leaving such copy at the place of his or her abode. When service is made by any other person than an officer authorized to serve process, proof of service shall be made by affidavit.

(4) The presiding officer, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may (a) quash or modify the subpoena if it is unreasonable and oppressive or (b) condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.

(5) No subpoena shall be issued or given effect to require the attendance and testimony of, or the production of evidence by, any member of the commission or any member of the agency staff in any proceeding before the public employment relations commission.

NEW SECTION

WAC 10-08-130 PREHEARING CONFERENCE. (1) The presiding officer upon his or her own motion or upon request of a party may direct the parties or their representatives to engage in a prehearing conference or conferences to consider:

(a) Simplification of issues;

(b) The necessity or desirability of amendments to the pleadings;

(c) The possibility of obtaining stipulations, admissions of fact and admissions of the genuineness of documents which will avoid unnecessary proof;

(d) Limitations on the number and consolidation of the examination of witnesses;

(e) Procedural matters;

(f) Distribution of written testimony and exhibits to the parties prior to the hearing;

(g) Such other matters as may aid in the disposition or settlement of the proceeding.

(2) Prehearing conferences may be held by telephone conference call or at a time and place specified by the presiding officer.

(3) Following the prehearing conference, the presiding officer shall issue an order reciting the action taken at the conference, the amendments allowed to the pleadings, and the agreements made by the parties concerning all of the matters considered. If no objection to such notice is filed within ten days after the date such notice is mailed, it shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

(4) In any proceeding the presiding officer may, in his or her discretion, conduct a conference prior to the taking of testimony, or may recess the hearing for such conference, for the purpose of carrying out the purpose of this rule. The presiding officer shall state on the record the results of such conference.

(5) Nothing in this rule shall be construed to limit the right of an agency to order a prehearing conference or other settlement procedure prior to issuance of a notice of hearing.

NEW SECTION

WAC 10-08-140 EVIDENCE. (1) All rulings upon objections to the admissibility of evidence shall be made in accordance with the provisions of RCW 34.04.100.

(2) Where practicable, the presiding officer may order:

(a) That all documentary evidence which is to be offered during the hearing or portions of the hearing be submitted to the presiding officer and to the other parties sufficiently in advance to permit study and preparation of cross-examination and rebuttal evidence;

(b) That documentary evidence not submitted in advance as required in (a) of this subsection be not received in evidence in the absence of a clear showing that the offering party had good cause for his or her failure to produce the evidence sooner, unless it is submitted for impeachment purposes;

(c) That the authenticity of all documents submitted in advance in a proceeding in which such submission is required be deemed admitted unless written objection thereto is filed prior to the hearing, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection.

(3) When portions only of a document are to be relied upon, the offering party shall identify the pertinent excerpts and state the purpose for which such materials will be offered. Only the excerpts, in the form of copies, shall be received in the record. However, the whole of the original documents, except any portions containing confidential material protected by law, shall be made available for examination and for use by all parties.

(4) No former employee of the agency shall appear, except with the permission of the agency, as an expert witness on behalf of other parties in a proceeding in which he or she previously took an active part in the investigation as a representative of the agency.

(5) The refusal of a witness to answer any question which has been ruled to be proper shall, in the discretion of the presiding officer, be ground for striking all testimony previously given by such witness on related matter.

(6) Any party bound by a stipulation or admission of record may, at any time prior to closure of the hearing, be permitted to withdraw the same in whole or in part by showing to the satisfaction of the presiding officer that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding.

NEW SECTION

WAC 10-08-160 TESTIMONY UNDER OATH OR AFFIRMATION. (1) Every person called as a witness in a hearing shall swear or affirm that the testimony he or she is about to give in the hearing shall be the truth according to the provisions of RCW 5.28.020 through 5.28.060.

(2) Interpreters shall swear or affirm that they will well and truly translate all questions asked of and answers given by the witness requiring interpretation.

NEW SECTION

WAC 10-08-170 REPORTING—RECORDING. All hearings shall be recorded by manual, electronic, or other type of recording device.

NEW SECTION

WAC 10-08-180 TELECONFERENCE HEARINGS. (1) The presiding officer, with the concurrence of the agency, may conduct all or part of the hearing by telephone, television, or other electronic means, if each participant in the hearing has an opportunity to participate in, to hear, and, if technically feasible, to see the entire proceeding while it is taking place. The presiding officer shall grant the motion of any party showing good cause for having the hearing conducted in person at a rescheduled time.

(2) Documentary evidence shall be submitted in advance as provided in WAC 10-08-140(2).

NEW SECTION

WAC 10-08-190 ATTENDANCE AT HEARINGS—CAMERAS—RECORDING DEVICES. (1) All hearings shall be open for observation by the public except as limited by the presiding officer to preserve confidentiality protected by law or for reasons such as space limitation. Photographic and recording equipment shall be permitted; however, the presiding officer may impose such conditions upon their use as he or she deems necessary to prevent disruption of the hearing.

(2) On motion of a party or on the presiding officer's own motion, witnesses may be excluded from any hearing except when testifying.

NEW SECTION

WAC 10-08-200 PRESIDING OFFICER. The presiding officer shall have authority to:

(1) Determine the order of presentation of evidence;

(2) Administer oaths and affirmations;

(3) Issue subpoenas;

(4) Rule on procedural matters, objections, and motions;

(5) Rule on offers of proof and receive relevant evidence;

(6) Interrogate witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the matter;

(7) Call additional witnesses and request additional exhibits deemed necessary to complete the record and receive such evidence subject to full opportunity for cross-examination and rebuttal by all parties;

(8) Take any appropriate action necessary to maintain order during the hearing;

(9) Permit or require oral argument or briefs and determine the time limits for submission thereof;

(10) Take any other action necessary and authorized by any applicable statute or rule;

(11) Waive any requirement of these rules unless a party shows that it would be prejudiced by such a waiver.

NEW SECTION

WAC 10-08-210 DECISION—ORDER. Every decision and order issued by a presiding officer, whether proposed, initial, or final, shall:

(1) Be correctly captioned as to the name of the agency and name of the proceeding;

(2) Designate all parties and representatives participating in the proceeding;

(3) Include a concise statement of the nature and background of the proceeding;

(4) Contain appropriate numbered findings of fact based exclusively on the record;

(5) Contain appropriate numbered conclusions of law, including citations of statutes and rules relied upon;

(6) Contain an order, decision, or recommendation, as appropriate, disposing of all contested issues;

(7) If applicable, contain a statement describing the parties' rights to agency review of the order or decision.

NEW SECTION

WAC 10-08-220 OTHER LAW. Nothing in chapter 10-08 WAC is intended to diminish the constitutional rights of any person or to limit or modify additional requirements imposed by statute, including the administrative procedure act.

CHAPTER 10-12 WAC
COMPLIANCE WITH STATE ENVIRONMENTAL PROTECTION ACT

NEW SECTION

WAC 10-12-010 PURPOSE. The purpose of this chapter is to comply with and implement RCW 43.21C-.120 directing every state agency to adopt rules pertaining to the integration of the policies and procedures of the State Environmental Protection Act into the various programs under their jurisdiction for implementation.

NEW SECTION

WAC 10-12-020 APPLICATION. Pursuant to WAC 197-10-800, the Office of Administrative Hearings has reviewed its authorized activities and found them to be exempt under the provisions of chapter 197-10 WAC.

WSR 82-22-053
PROPOSED RULES
CENTRAL WASHINGTON UNIVERSITY
[Filed November 1, 1982]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Central Washington University intends to adopt, amend, or repeal rules concerning library policies, chapter 106-168 WAC;

that the institution will at 1:30 p.m., Tuesday, December 7, 1982, in the Central Washington University Library, Room 290, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.19.030 and 28B.35.120(11).

The specific statute these rules are intended to implement is none.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before Tuesday, December 7, 1982.

Dated: October 28, 1982
By: Judy Couture
Administrative Secretary

STATEMENT OF PURPOSE

Title: Chapter 106-168 WAC Library Policies.

Statutory Authority: RCW 28B.35.120(11).

Summary: This proposal would eliminate rules which need not be codified; will codify rules which, if violated, will subject the general public, students, faculty, and staff to a penalty or administrative sanction; and will clarify the university's rule regarding circulation records.

Agency Personnel Responsible for Drafting: Judy Couture, Administrative Secretary, Assistant Attorney General's Office, Central Washington University, Ellensburg, WA 98926, (509) 963-2111 or Scan 453-2111; Implementation: Dr. Frank A. Schneider, Dean of Library Services; and Enforcement: Members of the library services staff.

Organization Proposing Rule: None.

REPEALER

The following sections of the Washington Administrative Code are each repealed:

(1) WAC 106-168-001 CENTRAL WASHINGTON UNIVERSITY LIBRARY.
(2) WAC 106-168-002 PRIORITIES OF SERVICE.
(3) WAC 106-168-005 PRIORITIES OF SERVICE—SELECTION OF SERVICES, PERSONNEL, RESOURCES.
(4) WAC 106-168-015 INSPECTION.
(5) WAC 106-168-020 PROHIBITED ENTRY.
(6) WAC 106-168-025 SMOKING.
(7) WAC 106-168-028 DISPLAYS.
(8) WAC 106-168-030 LIBRARY CARRELS.
(9) WAC 106-168-035 DUPLICATING, COPYING FACILITIES.
(10) WAC 106-168-040 GIFTS.
(11) WAC 106-168-050 LIBRARY BORROWERS.
(12) WAC 106-168-051 LIBRARY BORROWERS—LIBRARY CIRCULATION POLICY.
(13) WAC 106-168-052 LIBRARY BORROWERS—LIBRARY SERVICE FEES.
(14) WAC 106-168-100 CONSUMED SUPPLIES.
(15) WAC 106-168-105 ELECTRONIC MAINTENANCE.

NEW SECTION

WAC 106-168-008 VIOLATION OF LIBRARY REGULATIONS. Violators of library regulations may be subject to appropriate disciplinary action. including assessment of service charges and revocation of library privileges.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 106-168-009 FOOD, BEVERAGES, SMOKING. Users are expected to maintain appropriate public behavior while using the library facilities. Eating food or drinking beverages is not allowed in any of the areas open to public use. Smoking is restricted to those areas designated by the Dean of Library Services or his designee.

AMENDATORY SECTION (Amending Order 9, filed 10/16/72)

WAC 106-168-010 CIRCULATION RECORDS. ((~~Library c~~)) Circulation records ((~~exist to enable the library to keep track of its materials and to aid in the operation of the library. They~~)) are not a matter of public record and borrower information is confidential.

NEW SECTION

WAC 106-168-065 BORROWER IDENTIFICATION CARDS. In order to borrow library materials, borrowers must present an authorized university identification card.

(1) University identification cards are issued to all members of the university community.

(2) Individuals outside the university community may purchase identification cards.

(3) An identification card is authorized for use only by the individual whose name appears on the card.

(4) Cards used in an unauthorized manner may be confiscated.

(5) Each borrower is responsible for notifying the appropriate university office of changes of address or loss of card.

NEW SECTION

WAC 106-168-095 SERVICE CHARGES FOR LATE RETURN OR LOSS OF MATERIALS. All borrowers are subject to a uniform system of service charges for late return of materials and for replacement costs when appropriate. Charges do not accrue when library facilities are not open to the public.

NEW SECTION

WAC 106-168-097 PAYMENT OF CHARGES. (1) Charges may be paid at the library Circulation Desk until the charges have been referred to the Controller. Payment may be made by cash, check, or money order. Departmental Purchase Orders or interdepartmental fund transfers are not acceptable in payment of charges.

(2) Failure to pay charges will result in the total amount assessed being referred to the Controller's Office for collection. The Controller may, if other collection methods fail, deduct outstanding charges from salary warrants of employees, or withhold outstanding charges from damage deposits or other funds held by the university for any student. When collection efforts are unsuccessful, the Controller may notify the Registrar to withhold permission to enroll until outstanding charges are paid, to refrain from issuing requested transcript copies or to forward the amount outstanding to a collection agency for recovery.

(3) Failure to pay charges may result in the revocation of borrowing privileges.

WSR 82-22-054
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed November 1, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning Child care agencies—Adult family homes minimum licensing/certification requirements, amending chapter 388-73 WAC.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 29, 1982.

The authority under which these rules are proposed is RCW 74.15.030.

The specific statute these rules are intended to implement is RCW 74.15.030.

This notice is connected to and continues the matter in Notice Nos. WSR 82-15-053 and 82-20-030 filed with the code reviser's office on July 19, 1982 and September 30, 1982.

Dated: October 29, 1982
By: David A. Hogan
Director, Division of Administration

WSR 82-22-055
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 1893—Filed November 1, 1982]

I, David A. Hogan, director of the Division of Administration, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

New	WAC 388-33-051	Payment of grant—Rounding down.
Amd	WAC 388-33-055	Payment of grant—Minimum amount.

I, David A. Hogan, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are necessary to comply with P.L. 97.248.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED November 1, 1982.
By David A. Hogan
Director, Division of Administration

NEW SECTION

WAC 388-33-051 PAYMENT OF GRANT—ROUNDING DOWN. Grant payments shall be rounded down to the next whole dollar amount unless the grant is already an even dollar amount.

AMENDATORY SECTION (Amending Order 1792, filed 4/14/82)

WAC 388-33-055 PAYMENT OF GRANT—MINIMUM AMOUNT. Grants shall be in the exact amount determined as payable, ((~~except that no~~)) and rounded down to the next whole dollar. When a grant ((~~of~~)) is less than ten dollars it shall not be paid except for grants that would have exceeded ten dollars prior to the mandatory deduction for recoupment of an overpayment.

WSR 82-22-056
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 1889—Filed November 1, 1982]

I, David A. Hogan, director of the Division of Administration, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd	WAC 388-86-050	Inpatient hospital care.
Amd	WAC 388-86-095	Physician's services.
Amd	WAC 388-87-013	Conditions of payment—Hospital care.

I, David A. Hogan, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are necessary to implement Executive Order 82-13 and the Budget and Accounting Act.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED November 1, 1982.
By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1685, filed 7/29/81)

WAC 388-86-050 INPATIENT HOSPITAL CARE. (1) The department will provide hospitalization for recipients under age sixty-five and for recipients sixty-five and over who have exhausted medicare benefits. With exceptions and limitations the recipient will have free choice of hospitalization.

(2) Certain hospitalization services covered by the program require approval of the medical consultant.

(a) Prior approval for nonemergent ((~~surgery~~)) hospital admissions;

(b) ((~~Admission and length of stay for recipients of the GAU and limited casualty-medically indigent programs;~~

(c)~~))~~ Retroactive certification and out-of-state care including bordering cities.

(3) The ((~~Washington state professional standards review organization (WSPSRO)~~)) division of medical assistance will certify hospital admission, length of stay and/or services for ((~~the categorically needy and limited casualty-medically needy~~)) all recipients.

(4) Department authorization for inpatient hospital care for eligible individuals shall be limited to ((~~the lesser of the minimum number of days consistent with practice normally followed in the community or~~)) the ((~~maximum~~)) number of days established at the 75th percentile in the edition adopted by the department of the publication "Length of Stay in PAS Hospitals, by Diagnosis United States Western Region", unless prior contractual arrangements are made by the department for a specified length of stay (as defined in WAC 388-80-005 and 388-87-013). ((~~Hospital stays shall be subject to the same utilization review as established for private patients in the community.~~)) A daily list of all recipient inpatients with diagnostic information shall be submitted by the hospital to the local medical consultant. When hospitalization of a recipient ((~~of GAU or limited casualty program-medically indigent~~)) exceeds the ((~~maximum~~)) number of days specified in PAS, ((~~an extension request shall be presented~~)) the hospital shall submit to the local medical consultant a request with adequate justification and signed by the attending physician ((~~to the chief, office of medical policy and procedure or his designee within sixty days of final service~~)) for approval of the extension.

(a) Eligible recipients are covered for involuntary admissions for acute psychiatric conditions up to a maximum of seventeen days under the Involuntary Treatment Act in hospitals certified as evaluation and treatment facilities. If an involuntarily committed recipient reverts to voluntary status, PAS days are computed from day of admission and applied to any period exceeding the mandatory seventeen days. If PAS days are less than seventeen, the maximum of seventeen days will prevail.

(b) No payment will be made for care in a private psychiatric hospital that has not been certified under Title XVIII. Authorization for admission of an eligible individual to a private psychiatric hospital shall be under the same conditions and program limitations as for treatment of psychiatric conditions in a general hospital.

(c) Medicaid payment will be made for care in a state mental institution for AFDC recipients or SSI beneficiaries under age twenty-one and for all categorically needy recipients age sixty-five and older. Other age groups are covered under the Involuntary Treatment Act and/or other state funded programs.

(5) The department is prohibited from paying for hospitalization of any individual for the treatment of tuberculosis in a general hospital after such a diagnosis has been established.

(6) Hospitalization for the treatment of acute and chronic renal failure shall be provided, except that the department shall pay only deductibles and coinsurance for a recipient who is a medicare beneficiary and who is hospitalized for such treatment or for kidney transplant.

(7) Except for an emergency no hospital admission shall be made on Friday or Saturday for scheduled surgery on Monday. The attending physician may admit the recipient on Sunday to accomplish the necessary preoperative work-up.

(8) Approval for hospitalization of a recipient shall be based on the recipient's need for semi-private accommodations and reimbursement made at the multiple occupancy rate regardless of accommodations provided by the hospital. Special rates may be established for recipients covered by the Involuntary Treatment Act. Semi-private accommodations shall mean not less than two nor more than a four-bed room.

(9) A deductible not to exceed one-half the payment the department makes for the first day of inpatient hospital care for each admission is the responsibility of the limited casualty program-medically needy recipient.

AMENDATORY SECTION (Amending Order 1685, filed 7/29/81)

WAC 388-86-095 PHYSICIANS' SERVICES. The department shall purchase the services of physicians participating in the program on a fee-for-service or contract basis subject to the exceptions and restrictions listed as follows.

(1) Physicians' services are provided through contract agreements for certain voluntary child care agencies and maternity homes.

(2) Cost of a physical examination is authorized only for recipients related to federal programs under the following circumstances:

(a) For admission to skilled nursing facility if within forty-eight hours of admission or change of status from a private-pay to a medicaid-eligible patient.

(b) Given as a screening under the EPSDT program; see WAC 388-86-027.

(c) For physical examination not covered by medicaid, see the following:

(i) AFDC incapacity, see chapter 388-24 WAC.

(ii) Determination of whether an individual's health will or will not permit his return to his home, see chapter 388-28 WAC.

(iii) Request by the claimant or examiner in a fair hearing procedure, see chapter 388-08 WAC.

(iv) Foster home placement, see chapter 388-70 WAC.

(v) Adoptive home placement, see chapter 388-70 WAC.

(vi) Employability for WIN program, see chapter 388-24 WAC.

(vii) Incapacity for GAU program, see chapter 388-37 WAC.

(3) When covered services of a consultant or specialist are necessary, approval need not be obtained from the medical consultant. Payment shall be made in accordance with local medical bureau practices.

(a) A fee for consultation shall not be paid when the specialist subsequently performs surgery or renders treatment for which flat fees or fees-for-service accrue.

(b) On initial or subsequent visits for the purpose of establishing a diagnosis and when services of a specialist or consultant are required, payment shall be limited to not more than two such services. Any additional specialist or consultant requests shall be justified by the attending physician and approved by the medical consultant.

(4) Limitations on payment for physicians' services:

(a) Payment for physicians' calls for nonemergent conditions in a skilled nursing facility or an intermediate care facility, is limited to two calls per month. Requests for payment for additional visits must be justified at the time the billing is submitted by the physician.

(b) Payment for hospital calls is limited to one call per day. This is applicable to other than flat fee care.

(c) Individual outpatient psychotherapy provided by a psychiatrist shall be limited to one hour per month or equivalent combinations. Up to a maximum of two hours psychotherapy may be authorized when justified during the first month of treatment. Subdivisions of (4)(a) and (b) of this section, also apply unless other rules take precedence. See WAC 388-86-067(1) for service provided by a contracting mental health center.

(5) All surgical procedures require approval by the medical consultant.

(6) ((~~Nonemergent hospital admissions for state funded recipients require prior approval by the chief of the office of medical policy and procedure or his designees.~~

~~(7)~~))) Minor surgery and diagnostic procedures performed in a physician's office do not require prior approval.

((~~(8)~~)))(7) No payment will be made for cosmetic, reconstructive or plastic surgery which is defined as surgery performed to revise or change the texture, configuration or relationship of structure with continuous structure when the purpose is primarily psychological and will not correct or materially improve body function, or is intended to alter any part of the body which could be considered to be "normal" within broad range of variation for function, age, ethnic, or familial origin.

((~~(9)~~)))(8) A recipient of public assistance is not required to obtain medical care in the county of his residence.

((~~(10)~~)))(9) For limitations on out-of-state physicians' services see WAC 388-86-115.

AMENDATORY SECTION (Amending Order 1684, filed 7/29/81)

WAC 388-87-013 CONDITIONS OF PAYMENT—HOSPITAL CARE. (1) ((~~A~~)) All hospital ((~~must request approval of admission for nonemergent conditions from the~~)) admissions require local medical consultant ((~~before payment is made for services provided to recipients of the state funded programs~~)) approval. Prior approval of the local medical consultant is required for all nonemergent hospital admissions.

(2) Neither the department nor the recipient will ((~~not~~)) be responsible for payment for additional days of hospitalization in the case of a hospitalized recipient when the PAS limitations have been exceeded and the provider has not ((~~requested an extension within termination of service or an extension request has been denied~~)) obtained local medical consultant approval unless prior contractual arrangements are made by the department for a specified length of stay. ((~~Payment for the additional days spent in the hospital would then depend upon any private agreement or contract between the provider and the patient.~~))

(3) A beneficiary of Title XVIII medicare who is not in a state institution shall use his nonrenewable lifetime hospitalization reserve of sixty days before payment for hospitalization will be made from Title XIX funds.

(4) A deductible not to exceed one-half the payment the department makes for the first day of inpatient hospital care for each admission is the responsibility of the limited casualty program-medically needy recipient.

WSR 82-22-057
PROPOSED RULES
DEPARTMENT OF LABOR AND INDUSTRIES
[Filed November 1, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning the notice proposes to add several new sections to chapter 296-15 WAC, self-insurance. These rules provide a method by which educational service districts and school districts may apply for self-insurance group coverage under the Industrial Insurance Law. The rules set forth the requirements for application, termination, reporting requirements, responsibilities and reserve methods;

that the agency will at 1:00 p.m., Tuesday, December 7, 1982, in the Large Conference Room, General Administration Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 51.04.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 7, 1982.

Dated: November 1, 1982
By: Sam Kinville
Director

STATEMENT OF PURPOSE

Title and Number of the Rules Section(s) or Chapter(s): Chapter 296-15 WAC, Self-Insurance; includes WAC 296-15-026 Group Self-Insurance Application; 296-15-02601 Group Self-Insurers Admission of New Members, Termination of Individual Members; 296-15-02602 Group Self-Insurance Reports; 296-15-02603 Group Self-Insurance Trustee Responsibilities; 296-15-02604 Self-Insurance Funds—Surplus Distribution—Deficit; and 296-15-02605 Reserves.

Statutory Authority: Title 51 RCW, Industrial Insurance Law, RCW 51.04.020.

Summary of the Rule(s): These rules provide a method by which educational service districts and school districts may apply for group self-insurance under the Industrial Insurance Law. The rules set forth the requirements for application, termination, reporting requirements, responsibilities and reserve methods.

Description of the Purpose of the Rule(s): The Department of Labor and Industries has proposed these rules to allow educational service districts and school districts to apply for group self-insurance for workers' compensation under the Industrial Insurance Law.

Reasons for Supporting the Proposed Rule(s): Substitute House Bill 849, sections eight and nine, mandates that the Department of Labor and Industries promulgate rules governing self-insurance groups for educational agencies and school districts requesting group self-insurance status.

The Agency Personnel Responsible for the Drafting, Implementation and Enforcement of the Rules: Richard A. Slunaker, Assistant Director, Industrial Insurance, Department of Labor and Industries, General Administration Building, Olympia, Washington, (206) 753-6308.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule(s): Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule(s): No comment.

The rule is not necessary to comply with federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Small Business Economic Impact Statement: In passing the Regulatory Fairness Act, House Bill 385, chapter 6, Laws of 1982, the legislative concern was with agency rules that require the same amount of activity or effort by both small and large business, that is, with rules that placed a proportionately higher burden as measured by the cost of compliance on the smaller business unit. WAC 296-15-026 is comprised entirely of new sections, subdivided WAC 296-15-02601 through 296-15-02605. The proposed rules are designed to implement Substitute House Bill 849, chapter 191, Laws of 1982, by which public school and educational service districts may self-insure their industrial insurance obligations on a group basis. Specifically, the new rules set forth regulations governing application, admission, reporting requirements, trustee responsibilities, distribution of funds, and reserving for incurred liabilities. The device of group self-insurance will most commonly reduce industrial insurance costs for public school and educational service districts insuring under the worker's compensation laws of the state. Both the small as well as the larger district will share in such expense reduction proportionately in that premiums are assessed in terms of the worker hour of employment.

NEW SECTION

WAC 296-15-026 GROUP SELF-INSURANCE APPLICATION. (1) Application for group workers compensation coverage shall be made to the department on a form prescribed by the department and shall contain answers to all questions. Answers shall be given under oath.

(2) Group self-insurers; additional requirements. The application, as submitted by the initial board of trustees of the self-insurers' trust fund shall have the following attached:

(a) A copy of the bylaws of the proposed group self-insurers' trust fund.

(b) Individual applications of each employer applying for coverage in the trust fund.

(c) A current financial statement of each member of the group and a financial statement collectively reflecting the financial condition of prospective members of the trust fund in compliance with WAC 296-15-02602(2).

(d) A listing of the estimated standard premium to be developed for each member individually and in a total as a group.

(e) The group shall engage a department approved administrator or enter into a contract with an approved service company. A copy of the signed agreement with the service company shall be submitted with the application.

(f) Designation of the initial board of trustees and administrator.

(g) An indemnity agreement jointly and severally binding the trust fund and each member thereof to comply with the provisions of the industrial insurance act. The indemnity agreement shall be in a form that has been approved by the department.

(h) A detailed budget of all projected administrative expenses for the fund year.

NEW SECTION

WAC 296-15-02601 GROUP SELF-INSURERS ADMISSION OF NEW MEMBERS, TERMINATION OF INDIVIDUAL MEMBERS. (1) After the inception date of the trust fund, prospective new members of the trust fund shall submit an application for membership to the board of trustees, or its administrator, on a form provided by the department. The trustees or administrator may approve the application for membership pursuant to the bylaws of the group self-insurers' trust fund. The application for membership shall then be filed with the department. Membership shall take effect the first day of the calendar quarter beginning after approval by the department.

(2) Individual members may elect to terminate their participation in a group self-insurer's program or be subject to cancellation by the group trust fund pursuant to the bylaws of the group. Such termination or cancellation shall be effective at the end of the calendar quarter for which it was reported to the department.

(3) Each member, upon initial admission to the group, shall pay to the trust not less than twenty-five percent of its share of the current annual standard premium in accordance with WAC 296-15-02605(1). In addition to all other statutory and regulatory requirements of Title 51 RCW and WAC sections pertaining to self-insurance, group self-insurance must also meet and follow the requirements of this rule.

NEW SECTION

WAC 296-15-02602 GROUP SELF-INSURANCE REPORTS. Reports as to financial standing, payroll records, coverage, accident experience, compensation payments, and such other reports as are required to be filed with the department shall be made at the following times and in the following manner:

(1) Summary loss data shall be maintained by the trust fund and shall be available to the department when requested.

(2) Each trust fund shall, not later than July of each year, comply with WAC 296-15-080 with respect to the financial condition of the trust.

(3) Quarterly reports shall be filed with the department within sixty days from the end of a calendar quarter. A listing of any and all delinquent accounts as defined by the bylaws shall be attached as a part of this report.

(4) A certified copy of the minutes of all trustees meetings shall be retained by the trust fund administrator. The minutes shall be made available to the department upon request.

NEW SECTION

WAC 296-15-02603 GROUP SELF-INSURANCE TRUSTEE RESPONSIBILITIES. (1) To ensure the financial stability of the operations of each group self-insurers' trust fund, the board of trustees shall be responsible for all operations of the trust fund. Trustees shall be a group of members elected by members of a self-insurers' trust fund for stated terms of office to direct the administration of a self-insurers' trust fund. The duties of the trustees include the responsibility of approving applications for new members of the fund. The trustees shall be chosen from members of the self-insurers' group, but a trustee shall not be an owner or any employee of a company under contractual obligation to the fund or officer or employee of a service organization independent of the employer as defined in WAC 296-15-110. The board of trustees of each trust fund shall take all necessary precautions to safeguard the assets of the trust fund, including but not limited to all of the following:

(a) Designate a fiscal agent or administrator, or both, to administer the financial affairs of the trust fund who as obligee, shall furnish a fidelity bond with the trust fund in an amount sufficient to protect the trust fund against the misappropriation or misuse of any moneys or securities. Evidence of such bond shall be filed with the department. The bond is one of the conditions required for approval of the establishment and continued operation of a group self-insurers' trust fund. Such fiscal agent or administrator shall not be an owner, officer, or employee of a service organization independent of the employer as defined in WAC 296-15-110.

(b) Retain control of all moneys collected or disbursed from the fund. Funds and disbursements are to be handled in accordance with WAC 296-15-02605.

(c) Audit the accounts and records of the trust fund annually or at any time required by the department. Copies of audits shall be filed with the department within six months after the close of the trust fund year.

(d) The trustees shall not extend credit to individual members for payment of premium.

(e) The board of trustees or its fiscal agent or administrator shall not utilize any moneys collected as premiums for any purpose unrelated to workers' compensation. Further it shall not borrow any moneys from the fund or in the name of the fund without advising the department of the nature and purpose of the loan and obtaining prior department approval. The board of trustees may, at its discretion, invest any surplus moneys not needed for current obligations, but said investments shall be limited to United States government bonds, United States treasury notes, investment share accounts in any savings and loan association whose deposits are insured by a federal agency, and certificates of deposit issued by a duly chartered commercial bank. Deposits in savings and loan associations and commercial banks shall be limited to institutions doing business in this state and shall not exceed the deposit insurance amount in any one account.

(2) The board of trustees may delegate authority for specific functions to the administrator of the group self-insurers' trust fund. The functions that may be delegated include but are not limited to such matters as contracting with a service organization agent, determining the premium charged to, and refunds payable to, members subject to the restrictions of the department for investing surplus moneys set forth in subsection (1)(e) of this section, and approving applications for membership. All delegated authority shall be specifically defined in the written minutes of the trustees' meetings.

(3) Prior to certification date excess worker's compensation coverage shall be purchased providing adequate protection against catastrophic or unexpected loss. Adequate coverage shall be maintained throughout the period of group self-insurance.

NEW SECTION

WAC 296-15-02604 GROUP SELF-INSURANCE FUNDS—SURPLUS DISTRIBUTION—DEFICIT. (1) Any surplus moneys for a fund year in excess of the amount necessary to fulfill all obligations under the act, including maintenance of reserves specified in WAC 296-15-02605 may be declared refundable by the trustees, and the amount of the declaration shall become a liability of the fund at the time of the declaration.

(2) In the event of a deficit in any fund year, the deficit shall be made up from any of the following:

(a) Unencumbered surplus from a fund year other than the current fund year, after approval by the department.

(b) By assessment of the membership of the deficit fund year if ordered by the department.

(c) By such alternative method as the department may approve.

NEW SECTION

WAC 296-15-02605 RESERVES. (1) The group shall maintain adequate reserves to cover claim liabilities and the overhead expense of paying claims liabilities. It shall also maintain a reserve to pay the department administrative assessment which would apply to outstanding claim costs if the group were to be discontinued. Additionally, the group shall maintain a contingency reserve equal to fifteen percent of the claim liabilities, or twenty-five percent of annual premium volume, whichever is greater, as a safeguard against adverse development of costs. Reserves may be discounted for anticipated investment income. Notwithstanding the reserves otherwise calculated under this section, the maximum reserve for any particular coverage period for which the group has purchased an aggregate excess reinsurance policy from a reinsurer shall be the difference between the group's retention under the policy and the amount which it has already paid for claim costs for the particular coverage period: PROVIDED, That the reinsurer is authorized by the insurance commissioner to transact such business in the state of Washington.

(2) Reserve requirements for group self-insurance may not be satisfied in whole or in part by posting of a surety bond or bonds. Minimum required reserves for claim liabilities are described below. The group may set aside higher reserves if it perceives a greater liability than calculated under the following methods:

(a) Reserve Method I

This method shall apply until the group has passed the runoff test described under Method II or until five years after the group has submitted its first annual report covering at least one full year of operation, whichever comes first. Under Method I, the groups' reserves other than the contingency reserves, shall be based on the accident and medical aid fund premiums which it would have paid had it been insured with the state fund. Such premiums shall be determined each year by multiplying the hours of employment in each risk classification by the base rates for each risk classification, and by the group's composite experience modification. The group's composite experience modification shall be based on combined state fund experience of its members and shall be calculated using the formulas and procedures specified in WAC 296-17-850 through 296-17-870. If the group becomes ineligible for an experience modification under WAC 296-17-850(1) by virtue of having insufficient state fund experience, it shall retain its last previous experience modification for the balance of time during which Reserve Method I is in use. Chapter 296-17 WAC shall govern the computation of hours and the assignment of risk classification.

This group shall deposit such premiums in a reserve account. Payments or withdrawals therefrom may be made only for the following conditions:

(i) Payment of administrative expenses of operating the group self-insurance program including claims handling expenses, legal costs and department administrative assessments.

(ii) Payment of claim costs other than supplemental pension fund claim payments. Supplemental pension fund benefits may be paid from the reserve account, provided that reimbursement for such payments is claimed under provisions of WAC 296-15-210, and provided that such reimbursement is deposited in the reserve account when received. Any

interest earned by the reserve account must remain in the account during the period in which this method is in effect.

(iii) The group may pay its reinsurance premium from the reserve account, provided the reinsurer is authorized by the insurance commissioner to transact reinsurance in the state of Washington and provided the group retains amounts recovered from the reinsurer in the reserve account. Within eighteen months after the end of the coverage period, the group shall return the reinsurance premium, less any recoveries already received, into the reserve account. Thereafter it may include amounts which it reasonably expects to recover from the reinsurer, based on case estimates, as an asset. Such assets may be used for satisfying reserve requirements, provided the group retains amounts recovered from the reinsurer in the reserve account.

(b) Reserve Method II

The group shall report its claim payments and its estimated claim liabilities annually. For the purpose of applying Methods II and III, the group's estimate of its claim liabilities shall be based on its own reckoning regardless of the amount of reserves actually required by department regulations. The department will perform a runoff test of the adequacy of the group's estimate of liabilities by tracking the subsequent costs of claims (subsequent payments plus the group's updated estimates of remaining liabilities). If the subsequent costs over a three year development period following the effective date of an annual report covering at least one full year of operation do not exceed original liability estimates by more than fifteen percent, then the group's estimation of claim liabilities will be considered adequate and required reserves will thenceforth be based on the group's own estimates until such time in the future as the runoff test may demonstrate an inadequacy in reserving methodology.

(iii) Reserve Method III

This method shall apply if the group fails the runoff test described in Method II, provided at least five years has elapsed since the group filed its first annual report covering at least one full year of operation. Under Method III the department shall determine the extent to which past liability estimates of the group have been inadequate as determined by the runoff test. The department shall apply a correction factor to the group's current estimates of its liabilities to compensate for anticipated repetition of inadequate estimates.

Methods II and III presume a consistency in reserving methodology by the group. If the department determines that the group has changed its reserving methodology in such a way as to invalidate Method II or III, then it shall make such adjustment to the procedure as may be appropriate under the circumstances. The group may devise its own method for calculating individual member's premiums under Reserve Methods I, II and III, provided the total premiums are sufficient to set up the required reserves.

WSR 82-22-058
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-191—Filed November 1, 1982]

I, Rolland A. Schmitten, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, Rolland A. Schmitten, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of coho salmon have been taken.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED November 1, 1982.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-28-072B0F CHEHALIS RIVER—CLOSED AREA. Effective 12:00 noon November 2, 1982, until further notice it is unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess food fish for commercial purposes from the waters of the Chehalis River upstream of the mouth of the Satsop River.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-072B0E CHEHALIS RIVER—CLOSED AREA (82-115)

WSR 82-22-059
ADOPTED RULES
DEPARTMENT OF REVENUE
[Order PT 82-7—Filed November 2, 1982]

I, Donald R. Burrows, director of revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Listing of personalty—Omitted property—Omitted value, amending WAC 458-12-100.

This action is taken pursuant to Notice No. WSR 82-19-024 filed with the code reviser on September 9, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 84.08.070 which directs that the department of revenue has authority to implement the provisions of chapter 84.08 RCW.

This rule is promulgated under the general rule-making authority of the department of revenue as authorized in RCW 84.08.010.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED November 1, 1982.

By Trevor W. Thompson
Assistant Director

AMENDATORY SECTION (Amending Order PT 68-6, filed 4/29/68)

WAC 458-12-100 LISTING OF PERSONALTY—OMITTED PROPERTY—OMITTED VALUE.

(1) Omitted personal property shall include all personalty which was not entered on the assessment rolls ((~~for other than fraudulent reasons~~)). It shall not include personalty which was listed but improperly valued. (Tradewell Stores, Inc. v. Snohomish County 69 Wn. ((~~Dec.~~)) 2d 356 (1966); Wood Lbr. Company v. Whatcom County, 5 Wn. 2d 63 (1940))

(2) Omitted value shall include all personalty which was assessed at less than market value due to inaccurate reporting by the taxpayer or person reporting said property.

(3) Whenever the assessor shall find or be informed of omitted ((~~personalty~~)) property or omitted value he shall go back no more than three assessment years from the year of discovery of the omission and assess such personalty as omitted property ((~~except in cases of fraud or willful evasion. In cases of fraud or willful evasion, there shall be no limitation on the number of years he can go back~~)) or value. He shall add to the current assessment rolls any omitted property or value at the correct value for the year of said omission and shall notify the property owner or taxpayer of said assessment.

(4) Any person receiving notice of an omitted property or omitted value assessment may appeal said assessment to the county board of equalization as provided for in WAC 458-14-120.

WSR 82-22-060
ADOPTED RULES
DEPARTMENT OF REVENUE
[Order PT 82-8—Filed November 2, 1982]

I, Donald R. Burrows, director of revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd	WAC 458-16-150	Cessation of use—Taxes collectible.
Amd	WAC 458-16-190	Churches, parsonages and convents.
Amd	WAC 458-16-270	Schools and colleges.
Rep	WAC 458-16-301	Applications without penalties.

This action is taken pursuant to No. WSR 82-19-018 filed with the code reviser on September 9, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 84.36.865 which directs that the department of revenue has authority to implement the provisions of chapter 84.36 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED November 1, 1982.

By Trevor W. Thompson
Assistant Director

AMENDATORY SECTION (Amending Order PT 81-7, filed 2/11/81)

WAC 458-16-150 CESSATION OF USE—TAXES COLLECTIBLE. Upon cessation of any use exempted under RCW 84.36.030, 84.36.037, 84.36.040 and 84.36.060, the taxes that would have been paid had the property not been exempt during the seven years preceding, or for the life of the exemption, if such be less than seven years, shall be collectible.

Upon cessation of a use exempted under RCW 84.36-.050, the taxes that would have been paid had the property not been exempt during the three years preceding, or for the life of the exemption, if such be less than three years, shall be collectible, plus a tax at the same rate as the property tax rate for that year, on the amount of profit from the sale of the property. If the school or college has operated for more than ten years the rollback will not be implemented.

The property owner, county assessor, or any other public official having information or knowledge of any change in use, including lease or rental of all or a part of such properties, which may constitute cessation of use, shall notify the department of any such changes in use which may be brought to their attention. The department shall notify the current property owner, and the legal owner previously granted exemption, of the reported change in use and shall examine the property to determine if the reported change has taken place. The property owner shall have 30 days from the time of notification by the department to submit any information which may be relevant to the question of changing use.

The department shall determine, upon the information supplied by the assessor or the public official, the property owner, or from the inspection of the property, whether such a cessation of use as warrants the rollback has occurred.

The county treasurer, upon notification from the department of revenue, shall compute the taxes payable, together with interest, at the same rate and computed in the same manner as that upon delinquent property taxes. The tax shall be distributed by the county treasurer in the same manner as the current years taxes are distributed. The interest shall be placed in the county current expense fund. If such a cessation of use involves a portion of the total property, the taxes collectible shall attach to only that portion affected.

This rule shall be effective for those applications granted under chapter 84.36 RCW in assessment year 1974, and years thereafter: PROVIDED, That if the cessation of use resulted solely from one of the five conditions identified as (3)(a) through (e) in RCW 84.36-.810, the provisions of this section shall not apply.

Lease or rental of all or part of such properties may constitute a cessation of use and knowledgeable authorities should report same to the department of revenue.

"Relocation of the activity" means the use of another location or site for the same activity that was carried on at the original site to the extent that it is a new location or site, or it is an existing site whose facilities have expanded to accommodate the relocated activity.

Property exempted for an intended use, but never put to such use will be subject to a rollback for the life of the exemption when sold or put to a disqualifying use, or when it is determined the intended use will not be achieved.

AMENDATORY SECTION (Amending Order PT 81-13, filed 10/8/81)

WAC 458-16-190 CHURCHES, PARSONAGES AND CONVENTS. All churches and grounds that are owned by religious organizations and exclusively used for church purposes shall be exempt to the following extent:

(1) The area upon which a church and parsonage is or shall be built, not exceeding five acres of land. The area exempt includes the ground covered by the church, parsonage, and convent, the buildings and improvements required for the maintenance and security of such property and the structures and ground necessary for street access, parking, light and ventilation. (AGO 5-1-1952; PTB No. 217)

(2) If the requirements of subsection (1) are met the exemption will apply to a parsonage or convent and a church built on noncontiguous lots, or to the construction of separate parsonages for a minister and assistant minister (AGO 4-9-1947), and to caretakers quarters when the following conditions are met.

(a) The residential use is necessary for the protection of property.

AND

(b) The size is reasonable for the purpose.

AND

(c) The caretaker is required to ((~~be on the premises 365 days a year to~~)) provide security or provide custodial service indicated in (e)(i) or (e)(ii) ((~~without exception unless a substitute is in place~~)).

AND

(d) No rent is paid to the church by the caretaker ((~~but is provided to him as part of his employment~~)). Living quarters are provided in lieu of wages or salary. The service provided by the caretaker is considered of equal or greater value than the provision of living quarters. Reimbursement of utilities expense created by the caretaker will not be considered as rent.

AND

(e)(i) Protection is afforded by the caretakers, not merely by their presence, but ((~~they regularly patrol the grounds, and/or buildings and generally act in the capacity of insuring the property is secure~~)) their duties will include periodic inspection of the property to ensure it's security.

OR

(e)(ii) Necessary on a daily basis to open and close the premises at irregular hours, activate or shut down environmental systems, and other maintenance activities necessary for the effective operation and utilization of the facilities.

(3) Land unoccupied or not covered by a church, parsonage or convent, and not occupied for church or related purposes, is exempt up to an area the equivalent of 120 feet by 120 feet, except where additional unoccupied land may be required to conform with state or local codes, zoning, or licensing requirements.

(4) Where property is used for nonchurch purposes, the exemption is lost. If a portion of the church building or grounds is used for commercial rather than church purposes, that portion must be segregated and taxed whether or not the profit reserved by the church from the commercial use is applied to church purposes. (Norwegian Lutheran Church v. Wooster, 176 Wash. 581 (1934).)

(5) The rental or lease of any portion of the church building or grounds is subject to the following provisions:

((~~(1)~~)) (a) Must be to a nonprofit organization, association, corporation or school.

((~~(2)~~)) (b) Must be for an eleemosynary use (see definition below).

((~~(3)~~)) (c) Rental must be reasonable and solely for operation and maintenance of property.

(6) Definitions:

(a) "Church purposes" shall be construed to mean the use of real and personal property owned by a nonprofit religious organization for religious worship or related administrative, educational, eleemosynary, and social activities. This definition is to be broadly construed.

(b) "Eleemosynary" shall be construed to mean charitable; not limited to the distribution of alms, but also includes activities when some social objective is served or general welfare is advanced, and where, but for the activity, government might be required to provide the service.

(c) "Convent" means a house or set of buildings occupied by a community of clergymen or nuns devoted to religious life under a superior.

(d) "Parsonage" means a residence, owned in fee or contract purchase by the church, which is occupied by a clergyman who is designated for a particular congregation and who holds regular services therefor. Property, title of which will be transferred to an individual upon completion of a tour of duty or other obligations, will not qualify for property tax exemption.

(e) "Clergyman" means the female as well as the male gender.

(f) "Owned" means owned in fee or by contract purchase.

With regard to property covered by this rule, the department of revenue may request additional information, in the area of finances, relative to the lease rental or license to use the properties claimed for exemption. This shall not be construed as a license to require general information relating to the amount of revenue received as donations, gifts, bequests, or tithes. The department shall have access to financial information, where necessary, to establish nonprofit status, if requested in writing.

AMENDATORY SECTION (Amending Order PT 81-7, filed 2/11/81)

WAC 458-16-270 SCHOOLS AND COLLEGES. The property owned or used by any nonprofit school or college within this state shall be exempt to the extent that:

(1) The property is used solely for educational purposes, or the revenue derived therefrom, be devoted exclusively to the support and maintenance of such institutions, provided such revenue is derived from an

incidental, not commercial, use. An example of which would be the occasional lease of the gymnasium, field house, or auditorium;

(2) The real property so exempt shall not exceed four hundred acres in extent and shall be used exclusively for college or campus purposes. College or campus purposes shall be construed to mean that the need for such property would be nonexistent, but for the presence of such school or college and which are principally designed to further the educational functions of such college or schools.

Property unmaintained and only seldom used must be segregated and taxed;

(3) The institution must be open to all persons on equal terms. However, there is no limitation on the types of courses which the institution may offer. Wilson's Modern Business College v. King County, 4 Wn.2d 636 (1940); AGO 1927-1927, p. 854.

For purposes of this exemption, "schools and colleges" will mean (a) those nonprofit educational institutions which are either accredited by the state or whose students and credentials are accepted without examination by schools and colleges established under Title 28A or 28B RCW and which offer to students an educational program of a general academic nature, and (b) those nonprofit institutions which are privately endowed under a deed of trust to offer instruction in trade, industry and agriculture. Specialty or trade schools not offering a general academic program, and not endowed under a deed of trust are not included in this exemption. (WAC 458-20-114)

Real property of institutions exempted under this rule which ((~~are~~)) is owned, controlled, rented or leased for the purpose of deriving revenue from it, shall not be exempt and must be segregated and taxed whether or not such revenue is devoted to educational purposes. AGO 5-10-1944; Wilson's Modern Business College v. King County, 4 Wn.2d 636 (1940).

Institutions claiming exemption within this rule shall allow the department of revenue access to all books and records of the institution and shall annually make, under oath, a report to the department showing that the income and receipts thereof, including donations to it, have been applied to the actual expenses of operating and maintaining it or for capital expenses for endowments, the income of which shall be used for the operation, maintenance or capital expenditures and to no other purpose, also including a statement of the receipts and disbursements of said organization. In addition, institutions claiming exemption under this rule shall submit a list of all property claimed to be exempt, the purpose for which it is used, the revenue derived from it during the preceding year, the use to which the revenue was applied, the number of students in attendance at the institution, the total revenues of the institution and the source from which they were derived, and the purposes to which such revenues were applied, giving the items of such revenues and expenditures in detail.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 458-16-301 APPLICATIONS WITHOUT PENALTIES.

WSR 82-22-061
PROPOSED RULES
COMMUNITY ECONOMIC REVITALIZATION BOARD
[Filed November 2, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Community Economic Revitalization Board intends to adopt, amend, or repeal rules concerning organization and operation of the Community Economic Revitalization Board; board meetings; communications with the board; public records; rules of practice and procedure; public facility loans and grants; and compliance with the State Environmental Policy Act.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Thursday, January 20, 1983.

The authority under which these rules are proposed is RCW 34.04.020, 42.17.250, 42.17.290, 42.30.070, 43-.21C.120 and 43.116.050(5)[43.160.050(5)].

The specific statutes these rules are intended to implement are RCW 34.04.020, 34.04.025(1)(c), 34.04-.060, 34.04.080, 34.04.105(1), 42.17.250, et seq., 42.30.070, 43.21C.120, 43.116.050(6)[43.160.050(6)], 43.116.060[43.160.060] and 43.116.070[43.160.070].

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Thursday, January 20, 1982.

Dated: November 1, 1982
By: Richard T. Schrock
Vice-Chairman

STATEMENT OF PURPOSE

The Community Economic Revitalization Board intends to adopt as rules the following new chapters of the Washington Administrative Code: Chapter 133-10 WAC General Provisions; chapter 133-20 WAC Public Records; chapter 133-30 WAC Rules of Practice and Procedure; chapter 133-40 WAC Public Facility Loans and Grants; and chapter 133-50 WAC Compliance with State Environmental Policy Act.

Chapter 133-10 WAC, and in particular WAC 133-10-010 and 133-10-030, are adopted under the authority of and for the purpose of implementing RCW 34.04.020(2) and so much of 42.17.250 requiring each agency to adopt as a rule a description of its organization, stating the general course and method of its operations and the methods whereby the public may obtain information and make submissions or requests. Further, chapter 133-10 WAC, and in particular WAC 133-10-020, is adopted under the authority of and for the purpose of implementing RCW 42.30.070 requiring the governing body of each public agency to provide the time for holding regular meetings by rule. Chapter 133-20 WAC is adopted under the authority of RCW 42.17-.290 requiring agencies to adopt rules and regulations

consonant with the intent of chapter 42.17 RCW to provide full public access to public records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the agency. Chapter 133–20 WAC is for the purpose of implementing RCW 42.17.260 through 42.17.320. Chapter 133–30 WAC is adopted under the authority of RCW 34.04.020(1) requiring each agency to adopt rules governing the formal and informal procedures prescribed or authorized by chapter 34.04 RCW and RCW 43.116.050(8)[43.160.050(8)] authorizing the board to adopt rules under chapter 34.04 RCW as necessary to carry out the purposes of chapter 43.116[43.160] RCW. Chapter 133–20 WAC is for the purpose of implementing RCW 34.04.025(1)(c), 34.04.060, 34.04.080, 34.04.105(1), 42.17.250(1)(c) and 43.116.050(6)[43.160.050(6)]. Chapter 133–40 WAC is adopted under the authority of RCW 43.116.050(8)[43.160.050(8)] authorizing the board to adopt rules under chapter 34.04 RCW as necessary to carry out the purposes of chapter 43.116[43.160] RCW, and is for the purpose of implementing RCW 43.116.060[43.160.060] and 43.116.070[43.160.070] Chapter 133–50 WAC is adopted under the authority of RCW 43.21C.120 requiring each agency to adopt rules pertaining to the integration of policies and procedures of the State Environmental Policy Act of 1971, into the various programs under the agencies' respective jurisdiction for implementation, and is for the purpose of implementing RCW 43.21C.120 and WAC 197–10–800.

Summary of Rules and Reasons Supporting Their Proposed Adoption: Chapter 133–10 WAC describes the agency organization, method of its operation, and methods whereby the public may obtain information and make submissions to the agency, as well as provides the time for regular agency meetings and other information on notice of meetings. These rules are proposed for adoption in order to comply with statutory requirements. Chapter 133–20 WAC describes the methods whereby the public may have access to agency public records, and is proposed for adoption in order to comply with statutory requirements. Chapter 133–30 WAC provides rules of practice and procedure before the agency, and is proposed for adoption in order to comply with statutory requirements and to assist the board in conducting examinations and investigations in furtherance of the exercise of its lawful powers. Chapter 133–40 WAC prescribes the manner by which political subdivisions may make application for public facility loans and grants under chapter 43.116[43.160] RCW, as well as the manner for consideration and disposition of such applications. These rules are proposed for adoption in order to make permanent current rules adopted on an emergency basis and necessary to carry out the purposes of chapter 43.116[43.160] RCW. Chapter 133–50 WAC adopts a statement to the effect that all board activities are exempt from SEPA, and is proposed for adoption in order to comply with statutory requirements.

The proposed rules were drafted by the agency's assistant attorney general, Robert C. Hargreaves, whose phone number is Scan 234–2582 and whose office is in Room 100, Insurance Building, AQ–04. The rules will be implemented and enforced by the board, with staff assistance from the Department of Commerce and Economic Development under Dennis Matson, Assistant Director, whose phone number is Scan 234–3065 and whose office is in Room 101, General Administration Building, AX–13.

The proposed rules are not necessary as the result of federal law or federal or state court action, and no small business economic impact statement is required.

Reviser's note: The material contained in this filing will appear in the 82–23 issue of the Register as it was received after the applicable closing date for this issue for agency typed material exceeding the volume limitations of WAC 1–12–035 or 1–13–035, as appropriate.

WSR 82-22-062
EMERGENCY RULES
COMMUNITY ECONOMIC REVITALIZATION BOARD
[Order 82–1—Filed November 2, 1982]

Be it resolved by the Community Economic Revitalization Board, acting at the Seattle–Tacoma International Airport, that it does adopt the annexed rules relating to public facility loans and grants.

We, the Community Economic Revitalization Board, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the state of the economy in Washington state is such that the general welfare requires immediate efforts toward reducing unemployment as soon as possible and the fostering of economic development through the construction of public facilities.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 43.116.050(8)[43.160.050(8)] which directs that the Community Economic Revitalization Board has authority to implement the provisions of chapter 43.116[43.160] RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 22, 1982.

By Richard T. Schrock
Vice–Chairman

CHAPTER 133–40
PUBLIC FACILITY LOANS AND GRANTS

WAC

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NEW SECTION

WAC 133-40-010 PURPOSE. (1) Pursuant to authority derived from chapter 40, Laws of 1982 1st ex. sess. and chapter 43.116 RCW, the Community Economic Revitalization Board may, in its discretion, make direct loans to political subdivisions of the State of Washington for the purposes of assisting the political subdivisions in financing the cost of public facilities, when such facilities will serve to improve opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities, or assist in alleviating unemployment. The board may also make grants for such purposes, when every feasible effort has been made by the board to provide loans and loans are not possible, and when the board finds that unique circumstances exist which require making a grant.

(2) The purpose of this chapter is to prescribe the form and manner in which political subdivisions may make application to the board for financial assistance, and to provide for the consideration and disposition of such applications.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 133-40-020 DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter. (1) "Board" means the Community Economic Revitalization Board.

(2) "Public facility" or "facility" means any facility for public purposes financed in whole or in part by any political subdivision of the State of Washington, including, but not limited to, sewer or other waste disposal facilities, arterials, bridges, access road, port facilities, or water distribution and purification facilities.

(3) "Public facility costs" means any direct or indirect cost incurred or to be incurred by a political subdivision in financing any public facility, including the cost of acquisition, construction, rehabilitation, alteration, expansion, or improvement of the facilities.

(4) "Responsible official" means the senior ranking elected official of the political subdivision making application to the board for financial assistance hereunder, and/or any other person so designated in the resolution of the political subdivision authorizing or approving submittal of the application.

NEW SECTION

WAC 133-40-030 LOAN AND GRANT APPLICATIONS. (1) Applications for loans and/or grants to assist in financing public facility costs may be made by any political subdivision of the State of Washington.

(2) Applications shall be submitted to the board in writing, on such forms as may be prescribed by and obtained from the board, and shall contain the following information:

(a) Name and address of the political subdivision making the application for financial assistance.

(b) Complete description of the public facility for which financing assistance is sought.

(c) A full and detailed assessment of how the facility or project will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities, or assist in alleviating unemployment.

(d) Specific amount and description of the public facility costs for which the loan and/or grant application is being made.

(e) If application is being made for a loan, the applicant's proposed repayment schedule.

(f) If application is being made for a grant in addition to or in lieu of a loan, a complete explanation as to why the applicant feels a loan would not be feasible and the supporting reasons or circumstances therefor.

(3) Any application for financial assistance submitted to the board shall be signed and verified by a responsible official. Such official shall also provide the board with any additional materials or information in support of the application which the board or its staff may request, either prior to or at the board's deliberations on the application.

NEW SECTION

WAC 133-40-040 BOARD DELIBERATIONS. (1) The board will consider and approve, in whole or in part, or disapprove, all applications for loans or grants at such regular or special meetings of the board as it may determine, and the applicant will be notified accordingly. A responsible official of the applicant political subdivision shall be present during all board deliberations on the application, and shall provide all information regarding the public facility or application for financial assistance which the board may request.

(2) Applicants will be formally notified in writing regarding any board decision on whether or not to authorize a public facility loan or grant.

NEW SECTION

WAC 133-40-050 LOAN AND GRANT CONTRACTS — TERMS. (1) If a public facility loan or grant is authorized by the board, the funds will be disbursed to the applicant political subdivision pursuant to a contract therefor, which will be offered to the political subdivision upon such reasonable terms and conditions as the board may determine; PROVIDED, That the interest rate for loans shall not exceed ten percent per annum; PROVIDED FURTHER, That loans shall not exceed twenty years in duration.

(2) Public facility loan and/or grant contracts offered to political subdivisions shall be executed by the political subdivision and the original thereof returned to the board prior to the disbursal of any funds thereunder.

NEW SECTION

WAC 133-40-060 REQUESTS FOR RECONSIDERATION. (1) Any political subdivision whose

governing body takes exception to the terms and conditions of the public facility loan and/or grant contract offered by the board upon authorization of such loan and/or grant may request the board in writing to reconsider, amend or modify its offer. Any such request shall propose specific amendments or modifications, and shall fully substantiate the reasons therefor.

(2) Any political subdivision whose application for financial assistance was denied in whole or in part by the board, within 15 days of notification thereof may petition the board in writing to reconsider its decision. Such requests for reconsideration shall only be submitted with new or additional information in support of the application not available to the board during its initial deliberations.

WSR 82-22-063
PROPOSED RULES
CRIMINAL JUSTICE TRAINING COMMISSION
[Filed November 2, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Criminal Justice Training Commission intends to adopt, amend, or repeal rules concerning:

Amd	WAC 139-14-010	Requirement of basic law enforcement trainee.
New	WAC 139-20-020	Basic law enforcement equivalency certification.
Rep	WAC 139-20-010	Procedure for acknowledgement of prior basic training and issuance of certificate of equivalent basic training;

that the agency will at 10:00 a.m., Thursday, December 16, 1982, in the Washington State Criminal Justice Training Center, 2450 South 142nd, Seattle, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 43.101.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 14, 1982.

Dated: November 1, 1982
By: James C. Scott
Executive Director

STATEMENT OF PURPOSE

Rule: Amendatory Section WAC 139-14-010, Requirement of Basic Law Enforcement Training.

General Purpose of Rule: This rule prescribes the basic training requirement for law enforcement officers mandated by RCW 43.101.200, provides for specific exemptions therefrom, and establishes a process for hiring notification and notification of non-compliance.

Description, Summary, and Statutory Authority for Rule: This rule and the proposed amendments thereto are based upon the requirements of RCW 43.101.200 and the training commission's general authorities provided by RCW 43.101.080 and 43.101.160. This proposed amendment responds to and incorporates RCW 36.28.025, which mandates basic training compliance by newly elected sheriffs; provides for administrative exemption process for both sheriffs and police chiefs; and declares chiefs of agencies with 10 or fewer officers ineligible for administrative exemption.

Rule: New section WAC 139-20-020, Basic Law Enforcement Equivalency Certification.

General Purpose of Rule: This proposed rule is intended to replace WAC 139-20-010 and, as such, clarifies, specifies, and, to some degree, amends the process of basic equivalency certification, in lieu of academy attendance.

Description, Summary, and Statutory Authority for Rule: This proposed rule is based upon the requirement of RCW 43.101.200 and the training commission's general authorities provided by RCW 43.101.080 and 43-.101.160. This rule will clarify the eligibility requirements for equivalency participation; delete breathalyzer permit as an equivalency requirement; and maintain the general structure and process regarding equivalency certification.

Rule: Repealing WAC 139-20-010, Acknowledgment of Prior Basic Training and Issuance of Certificate of Equivalent Basic Training.

Purpose: To repeal WAC 139-20-010 in its entirety.

Description, Summary, and Statutory Authority for Rule: Repeal of this section is necessary because it is being replaced by a new rule, WAC 139-20-020, which clarifies eligibility requirements for equivalency participation, deletes breathalyzer permit as an equivalency requirement, and maintains the general structure and process regarding equivalency certification. This repeal is based upon the training commission's general authorities provided by RCW 43.101.080 and 43.101.160.

Responsible Agency Personnel: The following personnel of the Washington State Criminal Justice Training Commission have responsibility for drafting, implementing and enforcing these rules: James C. Scott, Executive Director, and Garry E. Wegner, Assistant Director, Washington State Criminal Justice Training Commission, Mailstop PW-11, Olympia, WA 98504.

AMENDATORY SECTION (Amending Order 14A, filed 6/25/81)

WAC 139-14-010 REQUIREMENT OF BASIC LAW ENFORCEMENT TRAINING. (1) All full-time commissioned law enforcement employees of a city, county, or political subdivision of the state of Washington, except officers of the Washington State Patrol, unless otherwise exempted by the Washington State Criminal Justice Training Commission, shall as a condition of continued employment successfully complete a 440-hour basic law enforcement academy sponsored or conducted by the commission, or obtain a Certificate of Equivalent Basic Training from the commission. This requirement of basic law enforcement training shall be met within the initial 15-month period of law enforcement employment, unless otherwise extended by the commission.

(2) Law enforcement personnel exempted from the requirement of subsection (1) shall include:

(a) ((~~sheriff~~)) individuals holding the office of sheriff of any county on September 1, 1979

(b) auxiliary and reserve personnel

(c) commissioned personnel

(i) whose usual and regular function does not include and will not include the general line enforcement of traffic or criminal laws of the state of Washington or any political subdivision thereof((;)): PROVIDED, That ((~~a chief of police who requests exemption under this subsection may be exempted only upon approval of the Board on Law Enforcement Training Standards and Education, or~~)) any exemption under this subsection may be granted to a sheriff or police chief only with the approval of the Board on Law Enforcement Training Standards and Education and, in the instance of a police chief, based upon a written exemption request signed by the appointing authority, and provided further that no police chief or sheriff of any agency with ten or fewer full-time, commissioned personnel shall be granted an exemption solely upon the basis of this subsection; or

(ii) whose initial date of continuing, full-time, regular and commissioned law enforcement employment within the state of Washington precedes January 1, 1978, and such employment is without break or interruption in excess of 90 days, or

(iii) who have been certified in accordance with the requirement of subsection (1) above, and thereafter have engaged in regular and commissioned law enforcement employment without break or interruption in excess of 24-month duration.

(3) Each law enforcement agency of the state of Washington, or any political subdivision thereof, except the Washington State Patrol, shall immediately notify the commission by approved form of each instance wherein a commissioned officer begins continuing and regular employment with that agency on or after January 1, 1978. Such notification shall be maintained by the commission and shall be utilized by the commission for the subsequent scheduling, notification, and enrollment required for compliance with the basic law enforcement training requirement.

(4) Failure to comply with the above requirement of basic law enforcement training shall result in notification of non-compliance, by the commission, on approved form to:

(a) the individual in non-compliance,

(b) the head of his/her agency,

(c) the Civil Service Commission having jurisdiction of such agency,

(d) the judges and clerks of the municipal, district, and superior courts in which said agency is located,

(e) the state Auditor's Office, and

(f) any other agency or individual, as determined by the commission.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 139-20-020 BASIC LAW ENFORCEMENT EQUIVALENCY CERTIFICATION. (1) A certificate of equivalent basic law enforcement training shall be issued only to applicants who successfully complete the equivalency process as required by the Washington State Criminal Justice Training Commission, and shall be recognized in the same manner as the certificate of completion of the Training Commission's basic law enforcement academy.

(2) Eligibility for participation in the basic equivalency process shall be limited to regular, full-time, commissioned officers of general law enforcement agencies within this state, and who have obtained basic certification through successful completion of a basic training program in this or another state. For this purpose, the term "basic training program" shall not include any military or reserve training program, or federal program not otherwise approved by the Board on Law Enforcement Training Standards and Education.

(3) The decision to request an officer's participation within the equivalency process shall be discretionary with the sheriff or chief of the employing agency. Such request shall be made to the Training Commission on approved form which shall be signed by the sheriff or chief of the requesting agency, or in the instance of a one-member department, the appointing authority.

(4) Upon approval of such request, the applicant shall submit to the Training Commission the following documentation as a precondition of participation within the equivalency process:

(a) copy of his/her Washington State driver's license,

(b) copy of his/her current and valid basic first aid card,

(c) statement of his/her health and physical condition by an examining physician, or approved form, and

(d) documentation of firearms proficiency, on approved form.

(5) Following receipt and acceptance of the above by the Training Commission, the applicant will participate in the equivalency process which shall include written examinations, practical exercises, and basic driver's training if such training has not been successfully completed previously by the applicant. The administration of such examinations, exercises, and training shall be determined by the Training Commission in accordance with applicable policies and procedures approved by the Board on Law Enforcement Training Standards and Education.

(6) Upon completion of the above examination process and review and evaluation of an applicant's performances therein, the Training Commission shall:

(a) issue a certificate of equivalent basic training;

(b) issue a certificate of equivalent basic training upon applicant's successful completion of additional training as the Training Commission may require; or

(c) require completion of the basic law enforcement academy program.

(7) Any waiver of, or variance in, any above requirement for equivalency participation and/or certification may be granted by the Board on Law Enforcement Training Standards and Education if it determines that sufficient justification exists for such action. Additionally, any action or determination by commission staff regarding a requestor or applicant for equivalency certification shall, upon written request of the involved individual or agency, be made appealable to that board.

REPEALER

WAC 139-20-010 PROCEDURE FOR ACKNOWLEDGEMENT OF PRIOR BASIC TRAINING AND ISSUANCE OF CERTIFICATE OF EQUIVALENT BASIC TRAINING.

WSR 82-22-064
ADOPTED RULES
EDMONDS COMMUNITY COLLEGE
[Resolution No. 82-10-1—Filed November 2, 1982]

Be it resolved by the board of trustees of the Edmonds Community College, acting at Lynnwood Hall, Room 424, Edmonds Community College, Lynnwood, Washington, that it does adopt the annexed rules relating to policy for dismissal of tenured and probationary faculty members, chapter 132Y-140 WAC.

This action is taken pursuant to Notice No. WSR 82-20-025 filed with the code reviser on September 29, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to RCW 28B.50-.140, 28B.50.850, etc. and is intended to administratively implement that statute.

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 21, 1982.

By Jennis J. Bapst
V.P. for Administrative Services

Chapter 132Y-140 WAC
POLICY FOR DISMISSAL OF TENURED AND PROBATIONARY FACULTY MEMBERS

WAC

132Y-140-001 Purpose
132Y-140-101 Dismissal for Cause
132Y-140-102 Reduction in Force

132Y-140-104 Reduction in Force Units and Procedure for Assignment
132Y-140-108 Order of Reduction
132Y-140-112 Procedures Relating to the Dismissal of a Tenured or Probationary Faculty Member
132Y-140-116 Recall

Chapter 132Y-140 WAC
POLICY FOR DISMISSAL OF TENURED AND PROBATIONARY FACULTY MEMBERS

NEW SECTION

WAC 132Y-140-001 PURPOSE. These rules shall govern the dismissal of tenured faculty members and faculty members who hold a probationary appointment prior to the written term of their individual appointment.

NEW SECTION

WAC 132Y-140-101 DISMISSAL FOR CAUSE. (1) Sufficient Cause. A tenured faculty member shall not be dismissed from his or her appointment except for sufficient cause, nor shall a faculty member who holds a probationary appointment be dismissed prior to the written terms of the appointment except for sufficient cause. (2) Initial Procedures. The district president shall discuss the reasons to consider the dismissal for cause of a faculty member with him or her in a personal conference. The matter may be settled by mutual consent at this point. (3) If the district president determines that dismissal proceedings should be initiated, he or she shall proceed according to the rules contained in WAC 132Y-140-112 starting with paragraph 2, Formal Notice.

NEW SECTION

WAC 132Y-140-102 REDUCTION IN FORCE. (1) Reduction in Force. Reduction in force is deemed to constitute sufficient or adequate cause for dismissal/termination of tenured faculty members or probationary faculty employees prior to the written term of their individual appointment. Reduction in force shall include, but not be limited to, any of the following grounds:

(a) Lack of funds

(b) Elimination and/or reduction of programs, courses or services

(c) Decreased enrollment

(d) Overstaffing

(e) Reduction of allotments pursuant to chapter 43.88 RCW, as now or hereafter amended

(f) Changes in educational policy and/or goals

(g) State Board for Community College Education declaration of financial emergency pursuant to Laws of 1981, ch. 13, § 1 under the following conditions:

(i) Reduction of allotments by the governor pursuant to RCW 43.88.110(2), or

(ii) Reduction by the legislature from one biennium to the next or within a biennium of appropriated funds based on constant dollars using the implicit price deflator

(2) Tenure Refusal Excluded. Nothing in this dismissal policy shall be construed to affect the decision and right of the board of trustees not to renew a probationary academic employee appointment without cause pursuant to RCW 28B.50.857.

NEW SECTION

WAC 132Y-140-104 REDUCTION IN FORCE UNITS AND PROCEDURE FOR ASSIGNMENT. (1) Definition of Units. Reduction in force units shall be established as follows and each tenured employee and each employee holding a probationary faculty appointment shall be assigned by the district president to only one of these units. The district president may establish additional reduction in force units to include new programs.

Art – Photography
Music
English – Humanities Courses
Foreign Language
Speech
Anthropology – Philosophy
History – Political Science – Geography
Psychology
Sociology
Biology
Chemistry
Mathematics
Physics
Health – Physical Education
Accounting – Business Courses
Data Processing – Computer Science
Economics
Management
Office Administration – Court Reporting
Travel
Electronics
Forest Harvesting
Horticulture
Clothing and Textiles
Energy Management
Earth and Rock Drilling
Dental Assisting
Medical Assisting
Early Childhood Education – Social and Human Services
Legal Assisting
Family Life Education
Developmental Education
Counseling
Library
Media Center
International Student Services
Building Services Technology

(2) Reduction in force Lists. A reduction in force list will be developed annually by the district president. Assignment will be based upon both seniority and the employee's major duties and the relationship of the duties to the appropriate program or departments. This list will be published on or about November 1 of each year. An employee having an objection to his or her placement on

the list must notify the district president in writing within 15 days of the date of publication. The district president will consider the objection and respond within a reasonable period of time. The district president's decision on reduction in force list assignments shall be final.

NEW SECTION

WAC 132Y-140-108 ORDER OF REDUCTION. (1) Courses, Programs and Services.

(a) If the number of full time contracted employees subject to this policy is to be reduced, the district president with such advice as he or she deems necessary, shall determine in the case of each affected division, department, or program what courses, programs and services are most necessary to maintain quality education and services.

(b) Decision Factors. In making decisions on reductions, the president may consider factors including but not limited to:

(i) Budget limitations, lack of funds, change in instructional or service programs or courses, or lack of students participating in particular programs, courses, or services

(ii) The enrollment, the trends in enrollment, and their effect upon the department or program

(iii) The present and anticipated service needs of the college and its students and prospective students, including staffing needs

(iv) Information concerning faculty and administrative vacancies occurring through retirement, resignation, and professional and other leave

(v) Changes in educational policies and goals

(vi) Other similar relevant considerations

(2) Individuals

(a) If a reduction is determined to be necessary, within a reduction in force unit, the order of reduction will be based on seniority provided that there are qualified academic employees to replace and perform all the employment needs of the affected department or program. The president, with advice from the appropriate dean and appropriate division director, shall determine which affected employees are qualified to replace and perform the employment needs of the department or program. The above order and/or application of seniority may be interrupted in the event that strict adherence to it would cause a regression in the progress of the district toward its Affirmative Action goals.

(3) Seniority

(a) Seniority shall be based on the number of years of employment beginning with the date of the signing of the first full-time faculty contract for continuous full-time service for Community College Districts 5 and/or 23. Continuous service shall include leaves of absence, professional leaves, and periods of lay-offs. The longest term of employment as thus established shall be considered the highest level of seniority. In instances where faculty members have the same beginning date of full-time professional service, seniority shall be determined in the following order:

(i) First date of signature of an employment contract

(ii) First date of signature of letter of intent

(iii) First date of application for employment

(b) When an employee leaves a faculty position to permanently accept an exempt position with the district, seniority shall continue to accrue for a maximum of three years.

NEW SECTION

WAC 132Y-140-112 PROCEDURES RELATING TO THE DISMISSAL OF A TENURED OR PROBATIONARY FACULTY MEMBER. (1) Initial Procedures.

(a) When the president determines that a reduction in force is necessary for the reasons in Section 102(1)(a)-(f) above and has selected the affected employees to be reduced, the initial step shall be for the president to meet with each employee and discuss the proposed termination/dismissal with the individual employee in personal conference which shall be an informal proceeding. The matter may be resolved at this step by the use of alternatives such as reassignment, leave of absence, retirement, resignation, etc.

(b) When the board of trustees determines that a reduction in force is necessary for the reasons set forth in Section 102(1)(g) above, the president shall select the affected employees to be reduced and meet with the employee in personal conference, which is an informal proceeding, to discuss the proposed termination dismissal. The matter may at such time be resolved by the use of alternatives, such as reassignment, leave of absence, retirement, resignation, etc.

(2) Formal notice.

(a) After determining that dismissal proceedings should be initiated, the district president shall specify the grounds constituting sufficient cause for dismissal, serve written notice of the cause(s) to the affected employee and provide copies to the dismissal review committee. The notice shall include:

(i) A statement of the time, place and nature of the hearing (the hearing must be held on not less than 10 days written notice);

(ii) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(iii) A reference to the particular rules of the college that are involved;

(iv) A short and plain statement of the matters asserted. In the case of a reduction in force for the reasons set forth in Section 102(1)(a)-(f) above, this shall include a statement of (a) the grounds for reduction in force as delineated in Section 102(1)(a)-(f), this shall clearly indicate the separation is not due to job performance of the employee and hence is without prejudice to such employee, and (b) the basis for selection of the affected employee. In the case of a reduction in force for reasons set forth in Section 102(1)(g) above, this shall clearly indicate the separation is not due to job performance of the employee and hence is without prejudice to such employee and, in addition, shall indicate the basis for reduction in force as one or both of the reasons set forth in in Section 102(1)(g) above. The notice must also indicate the effective date of separation from service.

(b) The affected employee(s) shall have ten (10) days from the date of service of the notice of dismissal to make a written request to the district president for a hearing. If the employee fails to respond within the ten days provided herein, such failure to request a hearing shall constitute acceptance of dismissal and waiver of any right to a hearing. The decision of an employee not to request a hearing shall be communicated to the dismissal review committee and board of trustees. Furthermore, a written request for a hearing within the above ten-day period is deemed jurisdictional.

(3) Composition of Dismissal Review Committee.

(a) A five member dismissal review committee created for the express purpose of hearing dismissal cases shall be established no later than October 15 of any academic year. The members shall include one (1) administrator chosen by the president, one (1) full-time student chosen by the Student association in such manner as the members thereof shall determine, and three (3) faculty members representing the faculty who shall be selected by a majority of the faculty and faculty department heads acting in a body. The faculty members on the initial dismissal review committee shall serve a one-year, two-year and three-year term respectively. Subsequent elections will be for three-year terms so that the committee members shall have staggered terms.

(b) In no case shall a member of the committee sit in judgement of her or his own case, or the case of her or his spouse.

(c) In the event there is a vacancy on the committee, a replacement shall be selected within 15 days of the vacancy in the manner outlined above.

(4) Responsibilities of Dismissal Review Committee. The responsibilities of the committee shall be:

(a) To review the case of the proposed dismissal.

(b) To attend the hearing and, at the discretion of the hearing officer, to call and/or examine any witness.

(c) To hear testimony from all interested parties, including but not limited to other faculty members and students, and review any evidence offered by same;

(d) To arrive at its recommendations in conference on the basis of the hearing. As soon as reasonably practicable, but in no event longer than 30 days after the conclusion of the formal hearing and within seven days in the case of a reduction in force for reasons set forth in Section 102(1)(g) above, the written recommendations of the committee will be presented to the board of trustees, with copies to the president, the affected academic employee, and the hearing officer.

(5) Hearing Officer.

(a) Appointment

(i) Upon receipt of a request for a hearing from an affected employee, the district president shall notify the board of trustees and request that the board of trustees appoint an impartial hearing officer.

(ii) In the case of a reduction in force for reasons set forth in Section 102(1)(g) above, at the time of a faculty member's or members' request for a formal hearing said faculty member's or members' may ask for participation in the choosing of the hearing officer in the manner provided in RCW 28A.58.455(4), said employee therein being a faculty member for the purposes hereof, and said board of directors therein being the board of trustees for purposes hereof: PROVIDED, That where there is more than one faculty member affected by the board of trustees' reduction in force such faculty members requesting hearing must act collectively in making such request: PROVIDED FURTHER, That costs incurred for the services and expenses of such hearing officer shall be shared equally by the community college and the faculty member or faculty members requesting hearing.

(b) Duties. It shall be the role of the impartial hearing officer to conduct the hearing in accordance with RCW 28B.19 and WAC 132Y-140. The duties of the hearing officer include:

(i) Administering oaths and affirmations, examining witnesses, and receiving evidence. No person shall be compelled to divulge information which he or she could not be compelled to divulge in a court of law;

(ii) Issuing subpoenas;

(iii) Taking or causing depositions to be taken pursuant to rules promulgated by the district;

(iv) Regulating the course of the hearing;

(v) Holding conferences for the settlement or simplification of the issues by consent of the parties;

(vi) Disposing of procedural requests or similar matters;

(vii) Making all rulings regarding the evidentiary issues presented during the course of the dismissal review committee hearings;

(viii) Appointing a court reporter, who shall operate at the direction of the hearing officer and shall record all testimony, receive all documents and other evidence introduced during the course of the hearing, and record any other matters related to the hearing as directed by the hearing officer;

(ix) Allowing the dismissal review committe to hear testimony and any oral argument from all interested parties, including but not limited to faculty members and students, and review any evidence offered by same.

(x) Preparing findings of fact and conclusions of law and a recommended decision. As soon as reasonably practicable, but in no event longer than 30 days after the hearing, or within ten days in the case of a reduction in force for reasons set forth in Section 102(1)(g) above, the written recommendation of the hearing officer will be presented to the board of trustees with copies to the president, committee, and affected employee.

(xi) Preparing and assembling a record for review by the board of trustees which shall include:

(A) All pleadings, motions and rulings;

(B) All evidence received or considered;

(C) A statement of any matters officially noticed;

(D) All questions and offers of proof, objections and rulings thereon;

(E) The proposed findings, conclusions and recommended decision;

(F) A copy of the recommendations of the dismissal review committee.

(xii) Deciding, with advice from the dismissal review committee, whether the hearing shall be open to the educational community, or whether particular persons should be permitted or excluded from attendance.

(xiii) Assuring that a transcript of the hearing is made, if necessary, and that a copy of the record or any part thereof is transcribed and furnished to any party to the hearing upon request and payment of costs.

(xiv) Consolidating individual reduction in force hearings into a single hearing. In the case of reduction in force for reasons set forth in Section 102(1)(g) above, the hearing shall be consolidated; only one such hearing for the affected faculty members shall be held and such consolidated hearing shall be concluded within the time frame set forth herein.

(xv) Taking any other action authorized by rule or regulation of the district.

(xvi) In the case of a reduction in force for reasons set forth in Section 102(1)(g) above, the formal hearing (pursuant to RCW 28B.19.120 and conducted by the hearing officer appointed by the board of trustees): (a) shall be concluded by the hearing officer within sixty days after written notice of the reduction in force has been issued; (b) the only issue to be determined shall be whether under the applicable policies, rules or bargaining agreement, the particular faculty member or members advised of severance are the proper ones to be terminated; (c) any findings, conclusions of law and recommended decision shall not be subject to further tenure review committee action.

(6) Procedural Rights of Affected Employees. An affected employee who has requested a hearing shall be entitled to one formal, contested case hearing pursuant to the Higher Education Administration Procedure Act, chapter 28B.19 RCW, and shall have the following procedural rights.:

(a) The right to confront and cross examine adverse witnesses, provided that, when a witness cannot appear and compelling reasons therefore exist, the identity of the witness and a copy of the statement of the witness reduced to writing shall be disclosed to the faculty member at least ten days prior to the hearing on the matter towards which the testimony of the witness is considered material.

(b) The right to be free from compulsion to divulge information which he or she could not be compelled to divulge in a court of law.

(c) The right to be heard in his or her own defense and to present witnesses, testimony, and evidence on all issues involved.

(d) The right to the assistance of the hearing officer in securing the witnesses and evidence pursuant to chapter 28B.19 RCW.

(e) The right to counsel of her or his choosing who may appear and act on her or his behalf at the hearings.

(f) The right to have witnesses sworn and testify under oath.

(7) Final Decision By the Board of Trustees. The case shall be reviewed by the board of trustees as follows:

(a) Board review shall be based on the record of the hearing and on any record made before the board of trustees.

(b) The board may permit an opportunity for oral or written argument or both by the parties or their representatives and may hold such other proceedings as it deems advisable provided that such proceedings are held according to applicable laws and provisions of the Washington Administrative Code.

(c) The final decision to dismiss or not to dismiss shall rest, with respect to both the facts and the decision, with the board of trustees after giving reasonable consideration to the recommendations of the dismissal review committee and the hearing officer. The dismissal review committee's recommendations and the findings, conclusions and recommended decision of the hearing officer shall be advisory only and in no respect binding in fact or law upon the decision maker, the board of trustees. The board of trustees shall within a reasonable time following the conclusion of its review, notify the affected faculty member in writing of its final decision, and the effective date of dismissal.

(8) Effective Date of Dismissals. The effective date of a dismissal for sufficient or adequate cause shall be such date subsequent to notification of the board's final written decision as determined in the discretion of the board of trustees (e.g. immediately, end of any academic quarter, expiration of the individual employment contract, etc.) In the case of a reduction in force for reasons set forth in Section 102(1)(g) above, failure to request a hearing shall cause separation from service on the effective date stated in the notice, regardless of the duration of any individual employment contract. In the case of a reduction in force for reasons set forth in Section 102(1)(g) above, separation from service after formal hearing shall become effective upon final action by the board of trustees.

(9) Suspension. Suspension by the district president during the administrative proceedings (prior to the final decision of the board of trustees) is justified if immediate harm to the affected employee or others is threatened by his or her continuance. Any such suspension shall be with pay.

(10) Appeal From Board of Trustees Decisions. Pursuant to RCW 28B.19.150 as now existing or hereafter amended, any party shall have the right to appeal the final decision of the board of trustees within 30 days after service of the final decision. The filing of appeal shall not stay enforcement of the decision of the board.

Reviser's note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 132Y-140-116 RECALL RIGHTS OF ACADEMIC EMPLOYEES. Recall rights of academic employees are delineated in the current negotiated agreement.

WSR 82-22-065
PROPOSED RULES
COMMISSION FOR THE BLIND
[Filed November 2, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Commission for the Blind intends to adopt, amend, or repeal rules concerning the amending of chapter 67-20 WAC; 67-20-005 definitions; 67-20-120 certification of termination of extended evaluation and notice; 67-20-190 Economic need—Standards for determining; 67-20-280 Vocational rehabilitation program—Termination; 67-20-396 Vocational rehabilitation services—Training—Sheltered workshop; 67-20-446 Vocational rehabilitation—Services to groups; and 67-20-550 Confidential information—Disclosure;

that the agency will at 9:00 a.m., Saturday, December 11, 1982, 3411 South Alaska Street, Seattle, WA 98118, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 74.16.450.

The specific statute these rules are intended to implement is chapter 74.16 RCW Aid to Blind Persons.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 10, 1982.

Dated: November 2, 1982
By: Paul Dziedzic
Director

STATEMENT OF PURPOSE

Title: Chapter 67-20 WAC, Vocational Rehabilitation and Services for Blind Persons.

Statutory Authority: RCW 74.16.181.

Summary of Rule: These rules establish the qualifications and requirements relating to benefits and privileges provided by the vocational rehabilitation program. Certain amendments being requested are to bring rules in conformance with appropriate federal regulations and to comply with the changes requested by the Administrative Rules Review. These rules relate to a program which has been implemented for several years.

Agency Personnel Responsible for Drafting, Implementing and Enforcing: Paul Dziedzic, Director, Commission for the Blind, 921 Lakeridge Drive, Second Floor, Olympia, Washington 98502.

The Commission for the Blind, a state agency is proposing these rules.

AMENDATORY SECTION (Amending Order 82-05, filed 8/4/82)

WAC 67-20-005 DEFINITIONS. (1) "Accepted for services" shall mean that the commission has determined that the applicant has been certified as eligible to receive vocational rehabilitation services.

(2) "Act" means the Rehabilitation Act of 1973 (29 U.S.C. chapter 16).

(3) "Applicant" shall mean an individual who has submitted to the commission a letter or application requesting vocational rehabilitation services which:

(a) Has been signed by the individual, his parents or guardian or other representative; and

(b) Sets forth the name, address, age, sex, and nature of disability of the requesting individual and source of referral.

(4) "Blind or visually impaired" for purposes of this chapter is a physical disability defined as follows:

(a) Central visual acuity of 20/200 or less in the better eye with correcting lenses or a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance of no greater than 20°; or

(b) Vision so defective as to prevent the performance of ordinary activities for which eyesight is essential; or

(c) An eye condition of a progressive nature which may lead to blindness.

(5) "Client" shall mean any handicapped individual:

(a) Who has applied for services from the commission; and

(b) For whom services have not been denied or terminated by the commission.

(6) "Commission for the blind" shall mean the legal authority in its entirety:

(a) "Commission board" shall mean the five members appointed by the governor as the governing body.

(b) "Commission" shall mean the agency which carries out the operations of the Washington commission for the blind.

(7) "Director," except when the context indicates otherwise, means the director of the commission for the blind.

(8) "Eligible" or "eligibility," when used in relation to an individual's qualification for vocational rehabilitation services, refers to a certification that:

(a) The individual has blindness and may also have a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and

(b) Vocational rehabilitation services may reasonably be expected to benefit the individual in terms of employability.

(9) "Employability" refers to a determination that the provision of vocational rehabilitation services is likely to enable an individual to enter or retain employment consistent with his capacities and abilities in the competitive labor market; the practice of a profession; self-employment; homemaking; farm or family work (including work for which payment is in kind rather than in cash); sheltered employment; homebound employment; or other gainful work.

(10) "Evaluation of rehabilitation potential" means, as appropriate, in each case:

(a) A preliminary diagnostic study to determine:

(i) That an individual has blindness and may also have a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and

(ii) That vocational rehabilitation services may reasonably be expected to benefit the individual in terms of employability, and that the individual is eligible therefore for vocational rehabilitation services;

(b) A thorough diagnostic study consisting of a comprehensive evaluation of pertinent factors, which bear on the individual's handicap to employment and rehabilitation potential, and an appraisal of the individual's work behavior and ability to develop work patterns suitable for successful job performance in order to determine which vocational rehabilitation services may be of benefit to the individual in terms of employability;

(c) Any other goods or services provided for the purposes of ascertaining the nature of the handicap and whether it may reasonably be expected that the individual can benefit from vocational rehabilitation services in terms of employability;

(d) The provision of vocational rehabilitation services to an individual for a total period of extended evaluation not in excess of eighteen months for the purpose of determining whether such individual is a handicapped individual for whom a vocational goal is feasible, including the initiation and continuing development of an individual written rehabilitation program, and a periodic assessment of the results of the provision of such services to ascertain whether an individual is an eligible individual for whom a vocational goal is feasible.

(11) "Family member" or "member of the family" means:

(a) Any relative by blood or marriage of a handicapped individual; and

(b) Other individuals living in the same household with whom the handicapped individual has a close interpersonal relationship.

(12) "Handicapped individual" means an individual:

(a) Who has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and

(b) Who is expected to benefit in terms of employability from the provision of vocational rehabilitation services, or for whom an extended

evaluation of rehabilitation potential is necessary for the purpose of determining whether he might benefit in terms of employability from the provision of vocational rehabilitation services.

(13) "Medical consultant" shall mean a ((~~doctor of medicine~~)) physician licensed pursuant to chapters 18.57 and 18.71 RCW employed by the commission to provide consultation to rehabilitation counselors and rehabilitation teachers concerning the medical aspects of rehabilitation, usually reviewing and discussing medical problems of individual clients.

(14) "Ophthalmological consultant" shall mean a ((~~doctor of medicine~~)) physician licensed pursuant to chapters 18.57 and 18.71 RCW specializing in diseases of the eye employed by the commission to provide consultation to rehabilitation counselors and rehabilitation teachers regarding procedures and prognosis relating to eye conditions.

(15) "Physical and mental restoration services" means those services which are necessary to correct or substantially modify within a reasonable period of time a physical or mental condition which is stable or slowly progressive.

(16) "Physical or mental disability" means a physical or mental condition which materially limits, contributes to limiting or, if not corrected, will probably result in limiting an individual's activities or functioning. The term "physical disability" includes blindness and/or visual impairment.

(17) "Public safety officer" means a person serving the United States or a state or unit of general local government, with or without compensation, in any activity pertaining to:

(a) The enforcement of the criminal laws, including highway patrol, or the maintenance of civil peace by the national guard or the armed forces;

(b) A correctional program, facility, or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees;

(c) A court having criminal or juvenile delinquent jurisdiction where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees;

(d) Firefighting, fire prevention, or emergency rescue missions.

(18) "Referral" is defined as any individual who applied or has been referred to a commission office by letter, telephone, direct contact or by any other means for whom the minimum information has been furnished:

(a) Name and address;

(b) Disability;

(c) Age and sex;

(d) Date of referral; and

(e) Source of referral.

(19) "Rehabilitation facility" means a facility which is operated for the primary purpose of providing vocational rehabilitation services to handicapped individuals and which provides one or more of the following services for handicapped individuals:

(a) Vocational rehabilitation services which shall include under one management, medical, psychological, social, and vocational services;

(b) Testing, fitting, or training in the use of prosthetic and orthoptic devices;

(c) Prevocational conditioning or recreational therapy;

(d) Physical and occupational therapy;

(e) Speech and hearing therapy;

(f) Psychological and social services;

(g) Evaluation of rehabilitation potential;

(h) Personal and work adjustment;

(i) Orientation and mobility training and other adjustment services;

(j) Braille instruction;

(k) Evaluation or control of specific disabilities;

(l) Transitional or extended employment for those handicapped individuals who cannot be readily absorbed in the competitive labor market provided that all medical and related health services must be prescribed by, or under the formal supervision of, persons licensed to prescribe or supervise the provision of such services in the state.

(20) "Rehabilitation teacher" (RT) shall refer to an employee of the commission who has responsibility to determine eligibility, and to develop and implement individual written rehabilitation programs leading to a vocational outcome of homemaker. The full range of vocational rehabilitation services may be provided or purchased as determined by the needs of the individual written rehabilitation program.

(21) "Substantial handicap to employment" means that a physical or mental disability (in light of attendant medical, psychological, vocational, educational, and other related factors) impedes an individual's occupational performance, by preventing his obtaining, retaining, or preparing for employment consistent with his capacities and abilities.

(22) "Vocational rehabilitation counselor" (VRC) shall refer to an employee of the commission who has direct responsibility for providing, or supervising the provision of all vocational rehabilitation services to a client of the commission.

(23) "Vocational rehabilitation services," shall mean any of the following:

(a) Any goods or services provided to a client that is likely to enable him to enter or retain employment consistent with his capacities and abilities in the competitive labor market.

(b) Any goods or services provided to a client for the purpose of extended evaluation to determine his rehabilitation potential.

(c) The establishment, construction, development, operation, and maintenance of workshops and rehabilitation facilities.

(d) The provision of any facilities and services which promise to contribute substantially to the rehabilitation of a group of individuals but which are not related directly to the rehabilitation program.

(24) "Workshop" means a rehabilitation facility, or that part of a rehabilitation facility, engaged in a production or service operation and which is operated for the primary purpose of providing gainful employment or professional services to the handicapped as an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market or during such time as employment opportunities for them in the competitive labor market do not exist.

AMENDATORY SECTION (Amending Order 82-05, filed 8/4/82)

WAC 67-20-120 CERTIFICATION OF TERMINATION OF EXTENDED EVALUATION AND NOTICE. The certification of termination of extended evaluation and notice is applicable when the following is considered:

(1) Certification of eligibility for regular case services. Prior to, or simultaneously with acceptance of a handicapped individual for vocational rehabilitation services, there will be a certification that the individual has met the requirements specified. The certified statement will be dated and signed by the vocational rehabilitation counselor or rehabilitation teacher.

(2) Certification of ineligibility. When it has been determined ((~~beyond any reasonable doubt~~)) on the basis of clear evidence that an individual is ineligible for vocational rehabilitation services, there shall be a certification, dated and signed by the vocational rehabilitation counselor or rehabilitation teacher. Such certification of ineligibility will be made only after full participation with the individual or, as appropriate, his parent, guardian or other representative, or after affording a clear opportunity for such consultation.

AMENDATORY SECTION (Amending Order 82-05, filed 8/4/82)

WAC 67-20-190 ECONOMIC NEED—STANDARDS FOR DETERMINING. (1) A client shall be eligible on the basis of economic need to receive vocational rehabilitation services or extended evaluation services from the commission when the total of his/her obligations, debts, and expenses is equal to or exceeds the total of his/her income and nonexempt assets or resources. When the value of his/her income and nonexempt assets is greater than the value of his/her obligations, debts, and expenses, the excess of the former over the latter shall be made available by the client for the payment of the cost of those services which are conditioned upon economic need.

(2) Determination of a client's economic need involves an evaluation of the income, assets, debts, obligations, and expenses of his/her entire family unit, including his/her dependents or, if the client is an unemancipated minor, his/her parents.

(3) The following shall be considered income for the purpose of determining the economic need of a client:

(a) Wages paid to the client and to any dependent family members living in the home. For purposes of this section wages shall be equal to gross wages less deductions for income taxes, social security, taxes, retirement deductions, and other involuntary deductions;

(b) Contributions from relatives or others, in cash or in kind, on a regular and predictable basis;

(c) Net profit from roomers or boarders;

(d) Net profit from property rentals;

(e) Net profit from farm products;

(f) Net profit from business enterprises;

(g) Scholarship or fellowship funds;

(h) Income from public or private welfare agencies;

(i) Any other income received on a regular and predictable basis, including but not limited to alimony, dividends from stocks, annuity payment, unemployment compensation, insurance, pensions, etc.

(4) The following types of property shall be considered exempt assets and may not be considered in determining the client's economic need:

(a) The home occupied by the client or his/her family, including any contiguous real property. A house trailer is an exempt asset when it is being regularly occupied by the client or his/her family as the principle place of residence or when it will be so occupied in the predictable future;

(b) Household furniture, clothing, life insurance, and other personal effects;

(c) An automobile when one or more of the following conditions is met:

(i) The client and his/her family have only one automobile, or

(ii) All automobiles used by the family are for the purpose of transportation to work or school, or

(iii) The automobile has been furnished in whole or in part to the client or to one of his/her dependents by the veteran's administration, or

(iv) The automobile is essential to the client's vocational rehabilitation objective;

(d) Vocational equipment and machinery owned by the client is an exempt asset if it is being used to provide part or all of the living expenses of the client and his/her dependents or if it may be so used after completion of the vocational rehabilitation plan;

(e) Livestock is an exempt asset to the extent that it produces income or otherwise helps the client to meet normal living requirements.

(5) All types of tangible and intangible property, including but not limited to real property, personal property, stocks, bonds, savings accounts, and checking accounts, which are not exempt under subsection (4) of this section shall constitute the client's nonexempt assets and shall be considered in determining the client's economic need. The value of a nonexempt asset shall be equal to its fair market value less any unpaid encumbrances of record. An individual is prohibited from transferring ownership or title to assets covered under this section.

(6) The following obligations, debts, and expenses shall be deducted from the client's income and nonexempt assets in determining the client's economic need:

(a) The client's actual shelter and living expenses;

(b) Shelter and living expenses for the client's dependents;

(c) Payments which the client is required to make under court order;

(d) Outstanding taxes on earnings or personal or real property;

(e) Insurance premium payments;

(f) Contractual payments on real or personal property if such obligations were incurred prior to the client's application for vocational rehabilitation services.

AMENDATORY SECTION (Amending Order 82-05, filed 8/4/82)

WAC 67-20-280 VOCATIONAL REHABILITATION PROGRAM—TERMINATION. When the services are terminated under a written program on the basis of a determination that a vocational goal cannot be achieved and the client is then no longer eligible, the following conditions and procedures will be made and carried out:

(1) Such decision shall be made only with full participation of such individuals or as appropriate, his parent, guardian, or other representative.

(2) The views of the individual or his representative concerning the decision shall be recorded in the individualized written program.

(3) The rationale for such decision must be thoroughly documented and included as a part or amendment to the written rehabilitation program.

(4) The client will be informed that his case will be reviewed within twelve months, offering the individual clear opportunity for full consultation and reconsideration of such decision of ineligibility. Subsequent reviews may be made only upon his request.

(5) If through physical restoration an individual's vision is restored so as to allow that individual to perform ordinary activities, further services will be limited to those defined in the individual written rehabilitation program.

(6) Consultation or annual review would not be scheduled if:

(a) There is a recorded statement by the individual indicating that he does not want to have further consideration;

(b) Individual is uncooperative and shows lack of interest;

(c) Individual is not present in the state;

(d) Individual's whereabouts are unknown;

(e) Individual's medical condition is rapidly progressive or terminal;

(f) There are other compelling reasons that would make an annual review impractical.

AMENDATORY SECTION (Amending Order 82-05, filed 8/4/82)

WAC 67-20-396 VOCATIONAL REHABILITATION SERVICES—TRAINING—SHELTERED WORKSHOP. (1) The commission may provide work adjustment services (employability training) to clients in a sheltered workshop environment. Work adjustment is appropriate where the client's disability is such as to limit his ability to participate in and take advantage of employment training facilities in the competitive labor market, and shall follow a vocational evaluation which will at the least include a measurement of productivity, behavior in interpersonal situations, work characteristics, and manipulative skills.

(2) The purpose of work adjustment services in sheltered workshops shall be to:

(a) Assist clients in understanding the meaning, value, and demands of work;

(b) Modify or develop attitudes, personal characteristics, and work behaviors;

(c) To develop functional capacities as required in order to assist clients toward their optimum level of vocational adjustment.

(3) Vocational adjustment in a sheltered workshop shall meet the following criteria:

(a) There shall be an individualized written program establishing immediate and long-range goals and objectives developed and monitored by a qualified staff person.

(b) The program will be in direct response to those problems defined in the evaluation process.

(c) Methods used to correct client problems and to develop acceptable work behaviors will be defined in writing and monitored and reported on at least monthly.

(d) All programs will be developed with the full knowledge and agreement of the vocational rehabilitation counselor or rehabilitation teacher and the client.

(e) Work adjustment services will always aim toward the eventual placement of the client into competitive employment.

(f) Work adjustment services will be undertaken only in state certificated rehabilitation facilities as of ((~~January 1, 1983~~)) September 30, 1984.

AMENDATORY SECTION (Amending Order 82-05, filed 8/4/82)

WAC 67-20-446 VOCATIONAL REHABILITATION—SERVICES TO GROUPS. (1) Services to groups of handicapped persons may be provided when such services will result in a benefit to the individual members' vocational rehabilitation.

(2) Members of such groups must be eligible for vocational rehabilitation services.

(3) Special services to groups may include but are not limited to the production of brailled and recorded materials.

(4) These services ((~~shall not~~)) may include removal of architectural barriers.

AMENDATORY SECTION (Amending Order 82-05, filed 8/4/82)

WAC 67-20-550 CONFIDENTIAL INFORMATION—DISCLOSURE. (1) The term "confidential information" shall mean all information and records as to personal facts regarding any past or present clients of the commission, given or made available to the commission, its representatives, or its agents in the course of the administration of the vocational rehabilitation program, including, but not limited to, lists of clients' names and addresses, information with respect to clients' financial resources, records of the commission's evaluations of factual information regarding a client, and all other information about a client, whether recorded or not recorded.

(2) The commission shall disclose confidential information, whether directly or indirectly, only under the following circumstances:

(a) Where necessary to and directly connected with the administration of the vocational rehabilitation program; or

(b) Where required by order of a court of competent jurisdiction; or

(c) Where the client has given his informed consent in writing to such disclosure; or

(d) Administration of the vocational rehabilitation program includes access to information for purposes of audit to determine compliance with standards and regulations.

(3) The commission shall refuse to disclose confidential information even when disclosure has been expressly or impliedly requested by the client if the information in question has been provided to the commission on the basis that it will not be disclosed to the client. Information so withheld shall be briefly identified and listed, and said list shall be provided to the client or his authorized representative. Such confidential information shall be provided to the client only under the following circumstances:

(a) Where the person or agency which provided the information has given the commission express written authorization to release the information to the client; or

(b) Where, during the course of a fair hearing, the hearing officer has made a determination that the information in question is relevant and material to the issue under appeal and has ordered that said information be made available to the client.

(4) Confidential information may be disclosed or released to an employer in connection with the placement of a client. The commission shall release to an employer only such confidential information regarding a client as is essential to his successful placement.

(5) Confidential information may be disclosed or released to welfare agencies or programs from which the client has requested services if:

(a) The client has requested services under circumstances from which his consent may be presumed;

(b) The welfare agencies or programs involved have adopted regulations which will assure that the confidential information disclosed will continue to be held confidential; and

(c) The welfare agency or program involved can assure that the confidential information disclosed shall be used only in connection with application for and receipt of services from such agency or program.

(6) Confidential information may be disclosed or released to organizations or individuals engaged in research if:

(a) The research is directly connected with the administration of the vocational rehabilitation program;

(b) The organization or individual has furnished satisfactory assurance that the confidential information will be used only in connection with the research purposes for which it is provided;

(c) The organization or individual furnishes satisfactory assurance that the final product of the research shall not reveal any information that might serve to identify any person about whom information has been obtained from the commission without the written consent of the person involved and of the commission.

(7) Upon written request, information shall be released to the client, or, as appropriate, his parent, guardian, or other representative in connection with any proceeding or action for benefits or damages, including any proceeding or action against any public agency: PROVIDED,

(a) That only such information as is relevant to the needs of the client shall be released; and

(b) In the case of medical or psychological information, the knowledge of which may be harmful to the client, such information will be released to the parent, guardian, or other representative of the client by the commission, or to the client by a physician or by a licensed or certified psychologist.

WSR 82-22-066
PROPOSED RULES
COMMISSION FOR THE BLIND
[Filed November 2, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Commission for the Blind intends to adopt, amend, or repeal rules concerning public liability insurance, amending WAC 67-32-310;

that the agency will at 9:00 a.m., Saturday, December 11, 1982, 3411 South Alaska Street, Seattle, WA 98118, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 74.17.040.

The specific statute these rules are intended to implement is chapter 74.17 RCW, Blind Persons—Vending Facilities in Public Buildings.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 10, 1982.

Dated: November 2, 1982
By: Paul Dziedzic
Director

STATEMENT OF PURPOSE

Title: Chapter 67-32 WAC, Vending Facility Program for the Blind.

Statutory Authority: Chapters 74.16 and 74.17 RCW.

Summary of Rule: This rule establishes the minimum public liability insurance amounts that blind vendors in the state shall obtain.

Agency Personnel Responsible for Drafting, Implementing and Enforcing: Paul Dziedzic, Director, Commission for the Blind, 921 Lakeridge Drive, Second Floor, Olympia, Washington 98502.

The Commission for the Blind, a state agency is proposing these rules.

AMENDATORY SECTION (Amending Order 81-06, filed 3/5/81)

WAC 67-32-310 PUBLIC LIABILITY INSURANCE. The vendor shall obtain and maintain continuously public liability insurance with limits of liability not less than:

((~~$100,000.00~~)) $500,000 each person personal injury,
((~~$300,000.00~~)) $500,000 each occurrence personal injury, and
((~~$ 25,000.00~~)) $500,000 each occurrence property damage; or
insurance coverage specified in the permit or contract, which ever is greater.

WSR 82-22-067
PROPOSED RULES
COMMISSION FOR THE BLIND
[Filed November 2, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Commission for the Blind intends to adopt, amend, or repeal rules concerning the amending of chapter 67-40 WAC; 67-40-010 Purpose—Description; 67-40-015 Prevention—Staff ophthalmologist; 67-40-016 Prevention—Eye physicians advisory committee; adopting chapter 67-40 WAC; 67-40-021 Cooperative agreement with Department of Social and Health Services; and repealing WAC 67-40-020, 67-40-025, 67-40-050, 67-40-060, 67-40-070 and 67-40-440;

that the agency will at 9:00 a.m., Saturday, December 11, 1982, 3411 South Alaska Street, Seattle, WA 98118, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 74.16.450.

The specific statute these rules are intended to implement is chapter 74.16 RCW, Aid to Blind Persons.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 10, 1982.

Dated: November 2, 1982
By: Paul Dziedzic
Director

STATEMENT OF PURPOSE

Title: Chapter 67-40 WAC, Prevention of Blindness.

Statutory Authority: RCW 74.16.170.

Summary of Rule: These rules establish the qualifications and requirements relating to the enjoyment of benefits and privileges provided by the prevention of blindness program. These rules describe a program which has been implemented for several years.

Agency Personnel Responsible for Drafting, Implementing and Enforcing: Paul Dziedzic, Director, Commission for the Blind, 921 Lakeridge Drive, Second Floor, Olympia, Washington 98502.

The Commission for the Blind, a state agency is proposing these rules.

AMENDATORY SECTION (Amending Order 82-06, filed 8/4/82)

WAC 67-40-010 PURPOSE—DESCRIPTION. The prevention of blindness program is established in RCW 74.16.170. Its purpose is to ((~~provide medical services to persons in order to prevent blindness and to restore sight. Responsibility for the prevention of blindness program is shared with the department of social and health services which delegates the authority to make medical need decisions to the commission for the blind. The commission authorizes assistance with costs of care when necessary~~)) assure establishment and maintenance of such services as may prevent blindness; to assist in determining the causes of blindness; and to inaugurate and cooperate in any preventative measures as may appear practicable. The commission shall arrange for the examination and necessary treatment for blind or partially blind persons who are unable to pay for such services.

AMENDATORY SECTION (Amending Order 82-06, filed 8/4/82)

WAC 67-40-015 PREVENTION—STAFF OPHTHALMOLOGIST. The commission for the blind shall employ an ophthalmological consultant on a part-time basis. His appointment shall be recommended to the commission by the eye physicians advisory committee for a one year term subject to renewal. He shall be responsible for reviewing recommendations made by participating ophthalmologists to determine if the proposed services ((~~fall within the scope of the prevention of blindness program~~)) will provide a medical benefit in preventing blindness.

AMENDATORY SECTION (Amending Order 82-06, filed 8/4/82)

WAC 67-40-016 PREVENTION—EYE PHYSICIANS ADVISORY COMMITTEE. (1) The eye physicians advisory committee shall be appointed by the director of the commission for the blind.

(2) It shall consist of up to eight members who have staggered four year terms.

(3) The committee shall select a chair from among its members.

(4) The ((~~eye advisory~~)) committee does the following:

(a) Recommends ((~~to the commission~~)) the criteria to be used in making decisions regarding medical services to be provided;

(b) Recommends ((~~to the commission~~)) the person to serve as staff ophthalmologist;

(c) Reviews and certifies credentials of physicians who render services under the prevention of blindness program.

NEW SECTION

WAC 67-40-021 COOPERATIVE AGREEMENT WITH DEPARTMENT OF SOCIAL AND HEALTH SERVICES. The prevention of blindness program will be provided cooperatively with the department of social and health services. An agreement which specifies the respective duties and responsibilities of each agency will be controlling. The director shall have the authority to negotiate and sign the agreement, subject to ratification by the commission board within ninety days of signing.

This agreement may include a description of services which are provided to blind and partially blind persons, provide for medical reviews, payment of costs of administration and services, and provide for coordination of the prevention of blindness program with other programs serving the needs of blind individuals.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 67-40-020 PREVENTION—ELIGIBILITY.
(2) WAC 67-40-025 PREVENTION—MEDICAL ELIGIBILITY.
(3) WAC 67-40-050 PREVENTION—SERVICES PROVIDED.
(4) WAC 67-40-060 PREVENTION—SERVICES NOT PROVIDED.
(5) WAC 67-40-070 PREVENTION—AUTHORIZATIONS AND BILLING.
(6) WAC 67-40-440 PREVENTION OF BLINDNESS.

WSR 82-22-068
ADOPTED RULES
INSURANCE COMMISSIONER
STATE FIRE MARSHAL
[Order FM 82-10—Filed November 2, 1982]

I, Thomas R. Brace, director of the Division of State Fire Marshal, do promulgate and adopt at Insurance Building, Olympia, Washington, the annexed rules relating to fireworks, chapter 212-17 WAC.

This action is taken pursuant to Notice No. WSR 82-20-002 filed with the code reviser on September 24, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.77.250 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Insurance Commissioner/State Fire Marshal as authorized in chapter 48.48 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 29, 1982.

By Thomas R. Brace
Director, Division of State Fire Marshal

Chapter 212-17 WAC
FIREWORKS

WAC

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PART I—GENERAL

NEW SECTION

WAC 212-17-001 TITLE. These rules shall be known as the "rules of the state fire marshal relating to fireworks," and may be cited as such.

NEW SECTION

WAC 212-17-010 PURPOSE. The purpose of these rules is to implement the state fireworks law, chapter 70.77 RCW, administered and enforced by the state fire marshal.

NEW SECTION

WAC 212-17-015 SCOPE. These rules apply to fireworks manufacture, storage, transportation, sale, importation, possession, classification, and discharge of fireworks of every class or kind in this state.

EXCEPTIONS: (1) Explosives, as defined and regulated under the state explosives law, chapter 70.74 RCW;

(2) Firearms and ammunition, including blank cartridges and pistols of the type used at sporting events or theatrical productions;

(3) Research or experiments with rockets or missiles, including model rockets and model rocket motors designed, sold and used for the purpose of propelling recoverable aero models;

(4) Toy paper and/or plastic caps, manufactured in accordance with DOT regulations, 49 CFR 173.100(p), 1981, as of October 29, 1982, or toy pistols, toy canes, toy guns, or other devices in which toy paper and/or plastic caps are used;

(5) Emergency signaling devices.

NEW SECTION

WAC 212-17-020 AUTHORITY. These rules are adopted pursuant to the Washington Administrative Procedure Act, chapter 34.04 RCW.

NEW SECTION

WAC 212-17-025 DEFINITION—"FIREWORKS". The term "fireworks" shall mean any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of "common" or "special" fireworks as set forth in the United States Department of Transportation's (DOT) Hazardous Materials Regulations, Title 49, Code of Federal Regulations, Parts 173.88 and 173.100, 1981, as of October 29, 1982.

NEW SECTION

WAC 212-17-030 DEFINITION AND CLASSIFICATION—"TRICK AND NOVELTY DEVICES". The term "trick and novelty devices" shall mean any small firework device not classified as common or special fireworks by the United States Department of Transportation or elsewhere in these rules, including:

(1) Snakes, glow worm. Pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning. The ash expands in length as the pellet burns. These devices may not contain mercuric thiocyanate.

(2) Trick noisemaker. Item that produces a small report intended to surprise the user. These devices include:

(a) Party popper. Small plastic or paper item containing not more than 16 mg of explosive composition that is friction sensitive. A string protruding from the device is pulled to ignite it, expelling paper streamers and producing a small report.

(b) Booby trap. Small tube with string protruding from both ends, similar to a party popper in design. The ends of the string are pulled to ignite the friction sensitive composition, producing a small report.

(c) Snapper. Small, paper-wrapped item containing a minute quantity of explosive composition coated on small bits of sand. When dropped, the device explodes, producing a small report.

(d) Trick match. Kitchen or book match that has been coated with a small quantity of explosive or pyrotechnic composition. Upon ignition of the match, a small report or a shower of sparks is produced.

(e) Cigarette load. Small wooden peg that has been coated with a small quantity of explosive composition. Upon ignition of a cigarette containing one of the pegs, a small report is produced.

(f) Auto burglar alarm. Tube which contains pyrotechnic composition that produces a loud whistle and/or smoke when ignited. A small quantity of explosive, not exceeding 50 mg, may also be used to produce a small report. A squib is used to ignite the device.

NEW SECTION

WAC 212-17-035 DEFINITION AND CLASSIFICATION—"COMMON FIREWORKS". The term "common fireworks" shall mean any small firework device designed primarily to produce visible effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission, as set forth in Title 16, Code of Federal Regulations, Part 1507, 1981, as of October 29, 1982. Some small devices designed to produce audible effects are included, such as whistling devices, ground devices containing 50 mg or less explosive composition, and aerial devices containing 130 mg or less of explosive composition. Common fireworks are classified as Class C explosives by the United States Department of Transportation and include the following:

(1) Ground and hand-held sparkling devices.

(a) Dipped stick, sparkler. Stick, or wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. Total pyrotechnic composition may not exceed 100 grams per item. Those devices containing any perchlorate or chlorate salts may not exceed 5 grams of pyrotechnic composition per item. Wire sparklers which contain no magnesium and which contain less than 100 grams of composition per item, not Class C explosives under DOT regulations, are included in this category.

(b) Cylindrical fountain. Cylindrical tubes not more than 3/4 inch (19 mm) inside diameter, containing up to 75 grams of pyrotechnic composition. Upon ignition, a shower of colored sparks, and sometimes a whistling effect is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle, if intended to be hand-held (handle fountain).

(c) Cone fountain. Cardboard or heavy paper cone containing up to 50 grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain.

(d) Illuminating torch. Cylindrical tube containing up to 100 grams of pyrotechnic composition. Upon ignition, colored fire is produced. May be spike, base, or hand-held.

(e) Wheel. Pyrotechnic device attached to a post or tree by means of a nail or string. Each wheel may contain up to six "driver" units; tubes not exceeding 1/2 inch (12.5 mm) inside diameter and containing up to 60 grams of pyrotechnic composition. Total pyrotechnic composition of each wheel shall not exceed 240 grams. Upon ignition, the wheel revolves, producing a shower of color and sparks and, sometimes, a whistling effect.

(f) Ground spinner. Small device similar to a wheel in design and effect and placed on the ground and ignited. A shower of sparks and color is produced by the rapidly spinning device.

(g) Flitter sparkler. Narrow paper tube filled with pyrotechnic composition that produces color and sparks upon ignition. This device does not have a fuse for ignition. The paper at one end of the tube is ignited to make the device function.

(2) Aerial devices.

(a) Sky rocket. Tubes not exceeding 1/2 inch (12.5 mm) inside diameter that may contain up to 20 grams of pyrotechnic composition. Sky rockets contain a wooden stick for guidance and stability and rise into the air upon ignition. A burst of color or noise or both is produced at the height of flight.

(b) Missile-type rocket. A device similar to a sky rocket in size, composition, and effect that uses fins rather than a stick for guidance and stability.

(c) Helicopter, aerial spinner. A tube not more than 1/2 inch (12.5 mm) inside diameter and containing up to 20 grams of pyrotechnic composition. A propeller or blade is attached, which, upon ignition, lifts the rapidly spinning device into the air. A visible or audible effect is produced at the height of flight.

(d) Roman candles. Heavy paper or cardboard tube not exceeding 3/8 inch (9.5 mm) inside diameter and containing up to 20 grams of pyrotechnic composition. Upon ignition, up to ten "stars" (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several-second intervals.

(e) Mine, shell. Heavy cardboard or paper tube up to 2 1/2 inches (63.5 mm) inside diameter attached to a wood or plastic base and containing up to 40 grams of pyrotechnic composition. Upon ignition, "stars", firecrackers, or other devices are propelled into the air. The tube remains on the ground.

(3) Audible ground devices.

(a) Firecrackers, salutes. Small paper-wrapped or cardboard tube containing not more than 50 mg of pyrotechnic composition. Upon ignition, noise and a flash of light is produced. External dimensions shall not exceed 1 1/2 inches in length or 1/4 inch in diameter.

(b) Chaser. Small paper or cardboard tube that travels along the ground upon ignition. A whistling effect, or other noise, is often produced. The explosive composition used to create the noise may not exceed 50 mg.

(4) Combination items. Fireworks devices containing combinations of two or more of the effects described in subsections (1), (2) or (3) of this section.

(5) Smoke device. Tube or sphere containing pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

NEW SECTION

WAC 212-17-040 DEFINITION AND CLASSIFICATION—"SPECIAL FIREWORKS". The term "special fireworks" shall mean large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation. The term includes, but is not limited to, firecrackers containing more than 2 grains (130 mg) of explosive composition, aerial shells containing more than 40 grams of pyrotechnic composition, and other display pieces which exceed the limits for classification as "common fireworks". Special fireworks are classified as Class B explosives by the United States Department of Transportation.

NEW SECTION

WAC 212-17-045 DEFINITION AND CLASSIFICATION—"AGRICULTURAL AND WILDLIFE FIREWORKS". The term "agricultural and wildlife fireworks" shall mean fireworks devices, including but not limited to, firecrackers containing more than 50 mg (.772 grains) of pyrotechnic composition designed to produce audible effects, which are distributed to farmers, ranchers and growers through a wildlife management program administered by the United States Department of Interior (or by equivalent state or local governmental agencies); and, such distribution is in response to a written application describing the wildlife management problem that requires use of such devices, is of a quantity no greater than required to control the problem described, and is where other means of control is unavailable or inadequate.

NEW SECTION

WAC 212-17-050 FIREWORK DEVICE CHEMICAL CONTENT, CONSTRUCTION. All fireworks devices shall meet the following chemical content, design, and construction requirements.

(1) Prohibited chemicals. Fireworks devices shall not contain any of the following chemicals:

(a) Arsenic sulfide, arsenates, or arsenites.

(b) Boron.

(c) Chlorates, except:

(i) In colored smoke mixtures in which an equal or greater amount of sodium bicarbonate is included;

(ii) In caps and party poppers;

(iii) In those small items wherein the total powder content does not exceed four grams of which not greater than fifteen percent is potassium, sodium, or barium chlorate.

(d) Gallates or gallic acid.

(e) Magnesium (magnesium/aluminum alloys, called magnalium, are permitted).

(f) Mercury salts.

(g) Phosphorus (red or white). EXCEPT that red phosphorus is permissible in caps and party poppers.

(h) Picrates or picric acid.

(i) Thiocyanates.

(j) Titanium, except in particle size greater than 100-mesh.

(k) Zirconium.

(2) Fuses.

(a) Fireworks devices that require a fuse shall:

(i) Utilize only a fuse that has been treated or coated in such manner as to reduce the possibility of side ignition. Devices such as ground spinners that require a restricted orifice for proper thrust and contain less than 6 grams of pyrotechnic composition are exempt from this requirement.

(ii) Utilize only a fuse which will burn at least three seconds but not more than six seconds before ignition of the device.

(b) The fuse shall be securely attached so that it will support either the weight of the fireworks device plus eight ounces dead weight or double the weight of the device, whichever is less, without separation from the fireworks device.

(3) Bases. The base or bottom of fireworks devices that are operated in a standing upright position shall have the minimum horizontal dimensions or the diameter of the base equal to at least one–third of the height of the device including any base or cap affixed thereto.

(4) Pyrotechnic leakage. The pyrotechnic chamber in fireworks devices shall be sealed in a manner that prevents leakage of the pyrotechnic composition during shipping, handling and normal operation.

(5) Burnout and blowout. The pyrotechnic chamber in fireworks devices shall be constructed in a manner to allow functioning in a normal manner without burnout or blowout.

(6) Handles and spikes. Fireworks devices that are intended to be hand–held and are so labeled shall incorporate a handle at least four inches in length. Handles shall remain firmly attached during transportation, handling and full operation of the device, or shall consist of an integral section of the device at least four inches below the pyrotechnic chamber. Spikes provided with fireworks devices shall protrude at least two inches from the base of the device and shall have a blunt tip not less than 1/8 inch in diameter or 1/8 inch square.

(7) Wheel devices. Drivers in fireworks devices commonly known as "wheels" shall be securely attached to the device so that they will not come loose in transportation, handling, and normal operation. Wheel devices intended to operate in a fixed location shall be designed in such a manner that the axle remains attached to the device during normal operation.

(8) Toy smoke devices and flitter devices.

(a) Toy smoke devices shall be so constructed that they will neither burst nor produce external flame (excluding the fuse and firstfire upon ignition) during normal operation.

(b) Toy smoke devices and flitter devices shall not be of such color and configuration so as to be confused with banned fireworks such as M–80 salutes, silver salutes, or cherry bombs.

(c) Toy smoke devices shall not incorporate plastic as an exterior material if the pyrotechnic composition comes in direct contact with the plastic.

(9) Rockets with sticks. Rockets with sticks (including sky rockets and bottle rockets) shall utilize a straight and rigid stick to provide a direct and stable flight. Such sticks shall remain straight and rigid and attached to the driver so as to prevent the stick from being damaged or detached during transportation, handling, or normal operation.

(10) Party poppers. Party poppers (also known by other names such as "Champagne party poppers" and "party surprise poppers" shall not contain more than 0.25 grains of pyrotechnic composition. Such devices may contain soft paper or cloth inserts provided any such inserts do not ignite during normal operation.

NEW SECTION

WAC 212–17–055 FIREWORK DEVICE, LABELING. (1) Any fireworks device not required to have a specific label by 16 CFR 1500.14(b)(7), 1981, as of October 29, 1982, shall carry a warning label indicating to the user where and how the item is to be used and necessary safety precautions to be observed.

(2) Every fireworks device, or fireworks device container where the device is packaged in an immediate container intended or suitable for delivery to the ultimate consumer, shall be conspicuously labeled with the name and place of business of the manufacturer, packer, distributor, or seller and the United States Department of Transportation designation as "Class C common fireworks" or "Class B special fireworks".

(3) All label wording shall be prominently located, in the English language, and in conspicuous and legible type in contrast by typography, layout, or color with the printed matter on the fireworks device or container.

NEW SECTION

WAC 212–17–060 PUBLIC PURCHASE OF FIREWORKS. (1) The public may purchase common fireworks only from licensed retail fireworks stands between noon, June 28th and noon, July 6th of each year. Possession and discharge of fireworks is lawful during this period only, except as provided in subsection (2).

(2) Religious organizations or private organizations or adult persons may be authorized to purchase specific common fireworks from licensed wholesalers for use on prescribed dates and locations for religious or private purposes, when approved by the fire chief or other designated local official. Application shall be on forms provided by the state fire marshal and shall contain the following information: (a) The name and mailing address of the organization or person desiring to purchase and discharge the fireworks; (b) the date and time of the proposed discharge; (c) the location of the proposed discharge; (d) the quantity and type of fireworks desired to be purchased and discharged; (e) the reason or purpose of the discharge; and (f) the signature of the applicant, following a statement that: "The applicant understands and agrees to comply with all provisions of the application and requirements of the approving authority, will discharge the fireworks only in a manner that will not endanger persons or property or constitute a nuisance, and assumes full responsibility for all consequences of the discharge, intended or not". Upon approval by the fire official, the applicant may submit a copy of the approval to any licensed wholesaler as proof of authorization to purchase the fireworks listed therein. The applicant shall retain the approval and have it available

for inspection by any public official at the actual discharge of the fireworks.

PART II—MANUFACTURER

NEW SECTION

WAC 212-17-065 FIREWORKS MANUFACTURER—GENERAL. Persons intending to manufacture fireworks in this state shall procure a license from the state fire marshal and a permit from the local governmental agency having jurisdiction prior to engaging in business. Applications for license shall be made on forms provided by the state fire marshal and the annual license fee shall accompany the application.

NEW SECTION

WAC 212-17-070 FIREWORKS MANUFACTURER—LICENSING. Upon receipt of application and license fee, the state fire marshal will cause an investigation to be made. If the investigation discloses compliance with state laws governing the manufacture of fireworks and that granting of a license would not be contrary to public safety or welfare, a license will be granted. If the license is denied, then the applicant shall be notified in writing of the reason why license was denied, and he shall be given an opportunity to make such alterations and corrections as are deemed necessary.

NEW SECTION

WAC 212-17-075 FIREWORKS MANUFACTURER—LOCAL ORDINANCES. Applicants, before applying for a license, should determine that their facilities conform to local zoning, health and building safety standards, fire safety requirements, and any other local ordinances pertaining to manufacture and storage of fireworks. (See Appendix)

NEW SECTION

WAC 212-17-080 FIREWORKS MANUFACTURER—LICENSE LIMITATIONS. (1) A fireworks manufacturer license, together with a permit from local authorities having jurisdiction, authorizes the holder to engage only in the business of manufacturing fireworks of all types and their sale and transportation to licensed wholesalers in Washington. If they desire to engage in other types of fireworks business, they shall first procure the necessary license.

(2) By virtue of its license, a licensed fireworks manufacturer is permitted to sell fireworks for direct shipment out of this state. Such shipment must be made by a public carrier or by the manufacturer in vehicles owned or leased by the manufacturer.

NEW SECTION

WAC 212-17-085 FIREWORKS MANUFACTURER—RECORDS AND REPORTS. Manufacturers shall, when requested to do so, submit written reports on production, sale and distribution of fireworks and name of the person to whom such fireworks were sold to the state fire marshal.

NEW SECTION

WAC 212-17-090 FIREWORKS MANUFACTURER—RESTRICTIONS. The storage, transportation, sale and transfer of ownership of all classes and types of fireworks by manufacturers shall be subject to the restrictions and provisions of the state fireworks law and these rules.

NEW SECTION

WAC 212-17-095 FIREWORKS MANUFACTURER—BUILDING AND STRUCTURES. All buildings and structures used for manufacturing fireworks are subject to the provisions of these rules as well as all local ordinances relating to building, design, construction, location and zoning.

NEW SECTION

WAC 212-17-100 FIREWORKS MANUFACTURER—PERSONNEL. All employees who handle fireworks in any stage of storage, manufacture, or assembly shall be instructed in the hazards of the materials involved and of the processes in which they are engaged, and shall be made familiar with the rules and safety precautions governing such materials and processes.

NEW SECTION

WAC 212-17-105 FIREWORKS MANUFACTURER—VISITORS. No persons other than employees shall be permitted in portions of the premises where live fireworks or components are manufactured, processed, assembled, stored, or exposed. Visitors having business on the premises shall be restricted to the areas directly related to the purpose of their visit. No loitering shall be permitted on the premises.

NEW SECTION

WAC 212-17-110 FIREWORKS MANUFACTURER—FIRE NUISANCE. The premises of a fireworks manufacturing establishment shall be maintained in a clean, neat and orderly condition at all times and be free from any condition that would create a "fire nuisance." (See RCW 70.77.165)

PART III—WHOLESALER

NEW SECTION

WAC 212-17-115 FIREWORKS WHOLESALER—GENERAL. Fireworks wholesaler licenses cover those persons engaged in the business of selling fireworks at wholesale to licensed persons in this state. Wholesale licensees may transport the class of fireworks for which they hold a valid license.

NEW SECTION

WAC 212-17-120 FIREWORKS WHOLESALER—LICENSING. Persons intending to engage in the sale of fireworks at wholesale in this state shall procure a license from the state fire marshal. A permit from the

local governmental agency having jurisdiction shall also be obtained for the storage of all classes and types of fireworks in possession of the wholesaler licensee. The application shall be made on forms provided by the state fire marshal and the annual license fee shall accompany the application.

NEW SECTION

WAC 212-17-125 FIREWORKS WHOLESALER—INVESTIGATION. Upon receipt of an application and the license fee, the state fire marshal will cause an investigation to be made. If the investigation discloses compliance with state laws governing fireworks and that granting of a license would not be contrary to public safety or welfare, a license will be granted. If the license is denied, then the applicant shall be notified in writing of the reason why the license was denied, and he shall be given an opportunity to make such alterations and corrections as are deemed necessary.

NEW SECTION

WAC 212-17-130 FIREWORKS WHOLESALER—LOCAL ORDINANCES. Applicants, before applying for a license should determine that their facilities conform to local zoning, health and building safety standards, fire safety requirements, and any other local ordinances pertaining to storage of fireworks. (See Appendix)

NEW SECTION

WAC 212-17-135 FIREWORKS WHOLESALER—LICENSE LIMITATIONS. (1) A fireworks wholesaler's license authorizes the holder to engage only in the sale of fireworks at wholesale. A fireworks wholesaler's license entitles him to sell fireworks to licensed retailers, licensed public display operators, other licensed wholesalers, religious organizations or private organizations or adult persons authorized to purchase specific fireworks items in accordance with WAC 212-17-060 (2). Fireworks wholesaler licensees desiring to engage in other types of fireworks business shall first secure the necessary license as required by the state fireworks law.

(2) By virtue of its license, a licensed fireworks wholesaler is permitted to sell fireworks for direct shipment out of this state. Such shipment must be made by a public carrier or by the wholesaler in vehicles owned or leased by the wholesaler.

NEW SECTION

WAC 212-17-140 FIREWORKS WHOLESALER—RECORDS AND REPORTS. The licensee shall maintain and make available to the state fire marshal full and complete records including imports, purchases, sales, and consumption of fireworks items by kind and class.

NEW SECTION

WAC 212-17-145 FIREWORKS WHOLESALER—IMPORTING. Wholesalers who engage in the business of importing fireworks shall first procure a state license as is required for import licensees.

NEW SECTION

WAC 212-17-150 FIREWORKS WHOLESALER—PERSONNEL. All employees who handle fireworks in any stage of storage or assembly shall be instructed in the hazards of the materials involved and of the processes in which they are engaged, and shall be made familiar with the rules and safety precautions governing such materials and processes.

NEW SECTION

WAC 212-17-155 FIREWORKS WHOLESALER—VISITORS. No persons other than employees shall be permitted in portions of the premises where live fireworks or components are assembled, stored, or exposed. Visitors having business on the premises shall be restricted to the areas directly related to the purpose of their visit. No loitering shall be permitted on the premises.

NEW SECTION

WAC 212-17-160 FIREWORKS WHOLESALER—FIRE NUISANCE. The premises of a fireworks wholesaling establishment shall be maintained in a clean, neat or orderly condition at all times and be free from any condition that would create a "fire nuisance." (See RCW 70.77.165)

PART IV—IMPORTER

NEW SECTION

WAC 212-17-165 IMPORTERS OF FIREWORKS—GENERAL. Importer fireworks licenses are for the importation of fireworks to this state. Such a license does not authorize the licensee to engage in wholesale or retail trade or in any other activity requiring a special fireworks license.

NEW SECTION

WAC 212-17-170 IMPORTERS OF FIREWORKS—LICENSING. Every person who desires to import fireworks to this state shall file application and procure a license. Application shall be made on forms provided by the state fire marshal and shall be accompanied by the required license fee.

NEW SECTION

WAC 212-17-175 IMPORTERS OF FIREWORKS—LICENSE SCOPE. An importer fireworks license shall authorize the licensee to engage only in importing fireworks. Importer licensees desiring to engage in any type of fireworks distribution shall first procure the necessary license.

NEW SECTION

WAC 212-17-180 IMPORTERS OF FIREWORKS—RESTRICTIONS. The storage of all classes

and types of fireworks in possession of an import licensee shall be subject to the restrictions and provisions of the local fire official. (See Appendix)

PART V—RETAILER

NEW SECTION

WAC 212-17-185 RETAILERS OF FIREWORKS—GENERAL. Persons desiring to engage in the business of selling fireworks at retail shall secure a license from the state fire marshal. In addition to the state license, a permit must be obtained from the local governmental officials having jurisdiction. The application shall be made on forms provided by the state fire marshal and shall be accompanied by the license fee of ten dollars. Applicants are cautioned to first determine whether a local retail sales permit for fireworks can be obtained. A retailer's license to sell fireworks shall not authorize licensee to engage in any other fireworks activity.

NEW SECTION

WAC 212-17-190 RETAILERS OF FIREWORKS—SALES DATES. Retail fireworks licenses are for the retail sales of fireworks from 12 noon on the twenty-eighth day of June to 12 noon on the sixth day of July.

NEW SECTION

WAC 212-17-195 RETAILERS OF FIREWORKS—SALES LOCATIONS. (1) Fireworks sold at retail shall be sold only:

(a) In roadside stands; or

(b) Buildings used for no other purpose.

(2) Each retail fireworks location shall have not less than two water-type extinguishers of not less than two and one-half gallon capacity or alternate equipment deemed equivalent by the local fire authority.

(3) During the hours that a fireworks stand or location is not open for business, it shall be closed and locked unless all fireworks have been removed.

NEW SECTION

WAC 212-17-200 RETAILERS OF FIREWORKS—SAFETY INSPECTION. Retail fireworks stands and sales areas are subject to inspection by local fire officials. Such stands and sales areas shall be free from any condition which increases, or may cause an increase of, the hazard or menace of fire or explosion, or which may become the cause of any obstruction, delay or hindrance to the prevention, suppression or extinguishment of fire. Adequate and safe unobstructed means of exit shall be provided from all areas where fireworks are stored or displayed. At least one adult person shall be present at all times the fireworks stand or building is open to the public. No person under sixteen years of age shall be allowed to sell fireworks or remain within a fireworks stand when it is open to the public.

NEW SECTION

WAC 212-17-205 RETAILERS OF FIREWORKS—NO SMOKING SIGNS. Approved "No Smoking" signs shall be posted at conspicuous locations designated by the inspection authority. Each sign shall have the words "No Smoking" in red letters not less than two inches in height on a white background. Metal signs may be used in locations exposed to the weather, but all signs shall be maintained in a legible condition.

NEW SECTION

WAC 212-17-210 RETAILERS OF FIREWORKS—SMOKING AND DISCHARGE OF FIREWORKS. Smoking shall be prohibited within twenty-five feet of any building in which fireworks are sold at retail. No fireworks shall be discharged within one hundred feet of any retail fireworks sales location.

NEW SECTION

WAC 212-17-215 RETAILERS OF FIREWORKS—DISPOSITION OF UNSOLD STOCK. All retail fireworks licensees shall return unsold fireworks stocks either to the wholesaler, from whom they were purchased, for safe storage, or store them in a place and in a manner approved by the fire authority having jurisdiction not later than the thirty-first of July of each year.

PART VI—PYROTECHNIC OPERATOR

NEW SECTION

WAC 212-17-220 PYROTECHNIC OPERATORS—GENERAL. Pyrotechnic operators are licensed to conduct public displays of special fireworks. No public display license is issued unless at least one licensed pyrotechnic operator is listed on the application as being responsible for conducting the display.

NEW SECTION

WAC 212-17-225 PYROTECHNIC OPERATORS—APPLICATION FOR LICENSE. Application for license shall be made on forms prepared by the state fire marshal and shall be accompanied by the annual license fee. Every applicant for a pyrotechnic operators license shall take and pass a written examination administered by the state fire marshal and shall submit evidence attesting to the qualifications and experience of the applicant, including participation in the firing of at least six public displays as an assistant, at least one of which shall have been in the current or preceding year.

NEW SECTION

WAC 212-17-230 PYROTECHNIC OPERATORS—EXAMINATION, INVESTIGATION AND LICENSING. Upon receipt of application and license fee, the state fire marshal shall cause an investigation to be made as to the experience and competency of the applicant to conduct and supervise a public display of fireworks in a safe manner. Past experience in assisting in

public displays shall be verified with the licensed pyrotechnic operator under whose supervision the applicant assisted. If experience requirements are satisfactory, the state fire marshal shall schedule a written examination for the applicant. A passing score of at least seventy percent shall be attained on the written examination. An applicant failing the written examination may re-apply within thirty days to re-take the examination. No re-examination shall be taken within thirty days of the previous and no more than two examinations may be taken by the applicant in the same calendar year. Any applicant failing to appear for the written examination at the time and location established or who fails the written examination and fails to re-apply within thirty days, or fails the examination on the second attempt, is deemed to have forfeited the license fee. The state fire marshal shall grant or deny the license on the basis of the investigation and examination.

NEW SECTION

WAC 212-17-235 PYROTECHNIC OPERATORS—RESPONSIBILITY. The pyrotechnic operator shall be responsible for properly setting up the fireworks public display in accordance with the rules and regulations of the state fire marshal. He shall determine that all the mortars, set pieces, are properly installed and that the proper safety precautions have been taken to insure the safety of persons and property. He shall have charge of all activities directly related to handling, preparing and firing all fireworks at the public display, including fixing lifting charges and quick match as needed to aerial shells.

The pyrotechnic operator shall refuse to fire any fireworks that are deemed by him to be unsafe or where its discharge might jeopardize life or property.

NEW SECTION

WAC 212-17-240 PYROTECHNIC OPERATORS—OBSERVANCE OF LAWS, RULES AND REGULATIONS. Pyrotechnic operators shall strictly observe the provisions of the state fireworks law and these rules.

PART VII—PUBLIC DISPLAY LICENSE

NEW SECTION

WAC 212-17-245 PUBLIC DISPLAYS OF FIREWORKS—GENERAL. Persons desiring to hold a public display of fireworks shall secure a license from the state fire marshal and a permit from the governmental agency having jurisdiction. Application for local permit must be made at least ten days in advance.

NEW SECTION

WAC 212-17-250 APPLICATION, STATE LICENSE. Application for fireworks public display license shall be made on forms provided by the state fire marshal and shall be accompanied by the prescribed license fee.

NEW SECTION

WAC 212-17-255 TYPE OF LICENSE. A public display license authorizes the applicant to conduct a public display of fireworks at a given location only. A "general" license for public display of fireworks authorizes public displays of fireworks at any locations or dates within the current year.

NEW SECTION

WAC 212-17-260 GENERAL LICENSES. Application for a "general" license to hold public displays of fireworks shall be accompanied by a surety bond or a certificate evidencing public liability insurance. Such bond and public liability insurance shall be non-cancellable except upon fifteen days' written notice by the insurer to the state fire marshal.

NEW SECTION

WAC 212-17-265 REPORTS. General public display permit application licensees shall submit Part III of the fireworks display permit application to the state fire marshal, prior to date of each display contemplated under their general license.

NEW SECTION

WAC 212-17-270 LOCAL PERMIT, APPLICATION FOR. When applying for permit, applicant shall submit information and evidence to local fire authorities covering the following:

(1) The name of the organization sponsoring the display, if other than the applicant.

(2) The date the display is to be held.

(3) The exact location for the display.

(4) The name and license number of the pyrotechnic operator who is to supervise discharge of the fireworks and the name of at least one experienced assistant.

(5) The number of set pieces, shells (specify single or multiple break), and other items.

(6) The manner and place of storage of such fireworks prior to the display.

(7) A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways, and other lines of communication, the lines behind which the audience will be restrained, the location of all nearby trees, telegraph or telephone lines, or other overhead obstruction.

(8) Documentary proof of procurement of:

Surety bond;

Public liability insurance; or

A state fire marshal's "general license" for the public display of fireworks.

(10) Permittee shall be responsible for compliance with the provisions under which a public display permit has been granted.

NEW SECTION

WAC 212-17-275 INVESTIGATION. The officer to whom the application for permit is made shall make, or cause to be made, investigation of site of the proposed

display for the purpose of determining if the fireworks will be of such a character or so located as to be hazardous to property or dangerous to any person. He shall also determine whether the provisions of the state fireworks law and these rules and regulations are complied with in the case of a particular display. He shall, in the exercise of reasonable discretion, grant or deny the application subject to reasonable conditions, if any, as he may prescribe, taking into account locations, parking of vehicles, controlling spectators, storage and firing fireworks, and precautions in general against danger to life and property from fire, explosion, and panic.

NEW SECTION

WAC 212-17-280 PERMITS MAY NOT BE GRANTED, WHEN. No permit shall be granted for any public display of fireworks where the discharge, failure to fire, faulty firing, or fallout of any fireworks or other objects would endanger persons, buildings, structures, forests, brush, or other grass covered land.

NEW SECTION

WAC 212-17-285 SPECTATORS. Spectators at public displays of fireworks shall be restrained behind lines or barriers as designated by local authorities. Only authorized persons and those in actual charge of the display shall be allowed inside these lines or barriers during the unloading, preparation, or firing of fireworks.

NEW SECTION

WAC 212-17-290 PYROTECHNIC OPERATORS. No public display permit shall be granted unless at least two experienced pyrotechnic operators are provided, one of whom shall be a licensed pyrotechnic operator. The licensed operator shall:

(1) Be responsible for and have charge of the display with respect to preparation for transporting, unloading, storing, preparing special effects, set and mechanical pieces, setting mortars and rocket launchers, loading, arming and firing and disposing of all unfired or defective (dud) rockets, missiles and fireworks articles or items;

(2) Be responsible for setting all fireworks including mortars, finale batteries (hedgehogs) and rocket launchers at locations designated by the authority having jurisdiction and take into account wind direction and velocity predicted for the firing time in setting the firing angles. Shells, rockets and/or missiles shall not be permitted to cross or burst above areas occupied by persons;

(3) Be held responsible for acts of his assistants in connection with the display, from delivery to final firing who, through smoking, drinking, carelessness or negligence or any other act, endangers the safety of himself, any other person, or any property.

PART VIII—PUBLIC DISPLAYS

NEW SECTION

WAC 212-17-295 PUBLIC DISPLAY—GENERAL. This section shall apply to the construction, handling, and use of Class B special fireworks intended solely for public display. It shall also apply to the general conduct and operation of the display.

NEW SECTION

WAC 212-17-300 PUBLIC DISPLAY—DEFINITIONS. For the purpose of this section, the following terms shall have the meanings shown:

(1) Black match. A fuse made from thread impregnated with black powder and used for igniting pyrotechnic devices.

(2) Boxed finale. A number of mortars grouped closely together and contained by a suitable frame. The mortars are loaded prior to the display and fused for rapid sequence firing.

(3) Break. An individual effect from an aerial shell; generally either color (stars) or noise (salute). Aerial shells can be single-break (having only one effect) or multiple-break (having two or more effects).

(4) Colored pot. A paper tube containing pyrotechnic composition that produces a colored flame on ignition. Colored pots are used in the construction of ground display pieces.

(5) Discharge site. The area immediately surrounding the mortars used to fire the aerial shells.

(6) Finale rack. A row of closely spaced two-inch (51 mm) or three-inch (76 mm) inside diameter, mortars held in a wooden frame. It is similar to a boxed finale.

(7) Ground display piece. A pyrotechnic device that functions on the ground (as opposed to an aerial shell which functions in the air). Typical ground display pieces include fountains, roman candles, wheels, "set pieces".

(8) Lance. A thin cardboard tube packed with color-producing pyrotechnic composition used to construct ground display pieces. Lances are mounted on a wooden frame and fused so that ignition of all tubes is simultaneous.

(9) Lift charge. That part of an aerial shell which actually lifts the shell into the air. It usually consists of a black powder charge ignited by a quick match fuse. A delay fuse then ignites the main part of the shell, producing the desired effect.

(10) Mortar. A metal or heavy cardboard tube from which aerial shells are fired.

(11) Movable ground piece. A ground display piece having movable parts, such as a revolving wheel.

(12) Operator. The licensed pyrotechnician (pyrotechnic operator) responsible for setting up and firing a public fireworks display.

(13) Potential landing area. The area over which shells are fired. The shells will normally burst over this area, but debris and malfunctions will fall into this area; therefore, it must be kept clear of spectators.

(14) Quick match. Black match that is encased in a loose-fitting paper sheath. While exposed black match burns slowly, quick match propagates flame extremely rapidly, almost instantaneously. Quick match is used in fuses for aerial shells and for simultaneous ignition of a number of pyrotechnic devices, such as lances in a ground display piece.

(15) Safety cap. A paper tube, closed at one end, that is placed over the end of the fuse of an aerial shell to

protect it from accidental ignition. The cap is not removed until just before firing of the shell.

(16) Shell (Aerial). A cylindrical or spherical cartridge containing pyrotechnic composition, a long fuse, and a black powder lift charge. The shells are most commonly three-inch (76 mm) to six inch (152 mm) outside diameter and are fired from mortars. Upon firing, the fuse and lift charge are consumed.

NEW SECTION

WAC 212-17-305 PUBLIC DISPLAY—CONSTRUCTION OF SHELLS. (1) Shells shall be classified and described only in terms of the inside diameter of the mortar in which they can be safely used (e.g., 3-inch shells are only for use in 3-inch mortars).

(2) Shells shall be constructed so that the difference between the inside diameter of the mortar and the outside diameter of the shell is no less than 1/8 inch (3.2 mm) and no more than 1/4 inch (6.4 mm) for two-inch (51 mm) and three-inch (76 mm) shells or 1/2 inch (12.7 mm) for shells larger than three-inch (76 mm).

(3) Shells shall be labeled with the type of shell, the diameter measurement, and the name of the manufacturer or distributor. Shells shall also carry a warning label complying with 16 CFR 1500.121, 1981.

(4) The length of the internal delay fuse and the amount of lift charge shall be sized to insure proper functioning of the shells in their mortars. Quick match fuse shall be long enough to allow not less than 6 inches (152 mm) of fuse to protrude from the mortar after the shell has been properly inserted.

(5) The length of exposed black match on a shell shall not be less than 3 inches (76 mm) and the fuse shall not be folded or doubled back under the safety cap. Also, the time delay between ignition of the tip of the exposed black match and ignition of the lift charge shall not be less than 4 seconds to allow the operator to retreat safely.

(6) A safety cap shall be installed over the exposed end of the fuse. The safety cap shall be of a different color than that used for the paper of the fuse.

NEW SECTION

WAC 212-17-310 PUBLIC DISPLAY—STORAGE OF SHELLS. (1) As soon as the fireworks have been delivered to the display site, they shall not be left unattended nor shall they be allowed to become wet.

(2) All shells shall be inspected upon delivery to the display site by the display operators. Any shells having tears, leaks, broken fuses, or showing signs of having been wet shall be set aside and shall not be fired. After the display, any such shells shall either be returned to the supplier or be destroyed according to the supplier's instructions.

(3) All shells shall be separated according to diameter and stored in tightly covered containers of metal, wood, or plastic or in fiber drums or corrugated cartons meeting United States Department of Transportation specifications for transportation of fireworks. A flame-resistant tarpaulin shall be permitted to be used as a covering over the containers, if additional protection is desired.

(4) The shell storage area shall be located at a minimum distance of not less than 25 feet (7.6 m) from the discharge site.

(5) During the display, shells shall be stored upwind from the discharge site. If the wind should shift during the display, the shell storage area should be relocated so as to again be upwind from the discharge site.

NEW SECTION

WAC 212-17-315 PUBLIC DISPLAY—INSTALLATION OF MORTARS. (1) Mortars shall be inspected for dents, bent ends, and cracked or broken plugs prior to ground placement. Mortars found to be defective in any way shall not be used. Any scale on the inside surface of the mortars shall be removed.

(2) Mortars shall be positioned so that the shells are carried away from spectators and into a clear area acceptable to the authority having jurisdiction.

(3) Mortars shall be either buried securely into the ground to a depth of 2/3 to 3/4 of their length or fastened securely in mortar boxes or drums. In soft ground, heavy timber (e.g. 4-inch thick) or rock slabs shall be placed beneath the mortars to prevent their sinking or being driven into the ground during firing. EXCEPTION: Boxed finales and finale racks.

(4) In damp ground, a weather-resistant bag shall be placed under the bottom of the mortar prior to placement in the ground to protect the mortar against moisture.

(5) Weather-resistant bags shall be placed over the open end of the mortar in damp weather to keep moisture from accumulating on the inside surface of the mortar.

(6) Sand bags, dirt boxes, or other suitable protection shall be placed around the mortars to protect the operator from ground bursts. This requirement shall not apply to the down-range side of the discharge site.

(7) Mortars shall be inspected before the first shells are loaded to be certain no water or debris has accumulated in the bottom of the mortar.

(8) Metal mortars shall be deemed acceptable for use with all shells. Paper mortars shall only be used for discharge of single-break and double-break shells. A thirty-second cooling period shall be allowed between firing and reloading of paper mortars.

(9) Paper mortars shall be constructed of convolute wound paper, except that spiral wound paper shall be permitted for 3-inch (76 mm) diameter mortars only. Wall thickness of paper mortars shall conform to the following:

WALL THICKNESS OF PAPER MORTARS

Mortar Type	Mortar Diameter		Wall Thickness	
	In.	(mm)	In.	(mm)
Convolute	2-inch	(51)	1/4 inch	(6.4)
Convolute or Spiral	3-inch	(76)	3/8 inch	(9.5)
Convolute	4-inch	(102)	1/2 inch	(12.7)
Convolute	5-inch	(127)	3/4 inch	(19.0)
Convolute	6-inch	(152)	3/4 inch	(19.0)

EXCEPTION: For 3-inch (76 mm) single-fire mortars, such as used in finales, a wall thickness of 1/4-inch (6.4 mm) shall be permitted.

(10) A cleaning tool shall be provided for cleaning debris out of the mortars between firings.

NEW SECTION

WAC 212-17-320 PUBLIC DISPLAY—SITE SELECTION. The intent of this section is to provide minimum clearances between the discharge site and permanent buildings and spectator viewing areas, and recommended guidelines for overall site dimensions and other separation distances. Where unusual conditions exist, dimensions and separations may vary in accordance with the joint agreement of the operator and the local fire official.

NEW SECTION

WAC 212-17-325 PUBLIC DISPLAY—DISCHARGE SITE. (1) The area selected for the discharge of aerial shells shall be so located that the trajectory of the shells will not come within 25 feet (7.6 m) of any overhead object.

(2) Ground display pieces shall be located at a minimum distance of 75 feet (22.9 m) from spectator viewing areas and parking areas. EXCEPTION: For movable ground pieces, such as wheels, this minimum distance shall be increased to 150 feet (45.7 m).

(3) Mortars shall be separated from spectator viewing areas, parking areas and permanent structures as follows:

2-inch mortar.....50 feet (15.2 m)	5-inch mortar...100 feet (30.5 m)
3, 4-inch mortar..75 feet (22.9 m)	6-inch mortar...150 feet (45.7 m)

(4) Mortars shall be separated from public buildings or hazardous storage facilities by a minimum distance of 500 feet (152.4 m).

(5) A clear landing area of at least 150 feet (45.7 m) shall be provided in the trajectory direction of the mortar.

(6) The potential landing area shall be a large, clear, open area which has been approved by the local fire official.

(7) Spectators, vehicles, or any readily combustible materials shall not be located within the potential landing area during the display.

NEW SECTION

WAC 212-17-330 PUBLIC DISPLAY—OPERATION. General requirements.

(1) The licensee of the display shall provide adequate fire protection for the display, as required by the local fire official.

(2) The licensee shall consult with the local fire official to determine the level of fire protection and crowd control necessary.

(3) Monitors whose sole duty shall be the enforcement of crowd control shall be located around the display area by the licensee. The local fire and/or police officials shall determine the number of monitors needed and their placement.

(4) Monitors shall be located around the discharge site to prevent spectators or any other unauthorized persons from entering the discharge site. The discharge site shall be so restricted throughout the display and until the discharge site has been inspected after the display. Where practical, fences and rope barriers shall be used to aid in crowd control.

(5) If, in the opinion of local fire and/or police officials or the pyrotechnic operator, lack of crowd control should pose a danger, the display shall be immediately discontinued until such time as the situation is corrected.

(6) If, at any time, high winds or unusually wet weather prevail, such that in the opinion of local officials or the pyrotechnic operator a definite danger exists, the public display shall be postponed until weather conditions improve to an acceptable level.

(7) Light snow or mist need not cause cancellation of the display; however, all materials used in the display shall be protected from the weather by suitable means until immediately prior to use.

(8) Display operators and assistants shall use only flashlights or electric lighting for artificial illumination.

(9) No smoking or open flames shall be allowed in the shell storage area as long as shells are present. Signs to this effect shall be conspicuously posted.

NEW SECTION

WAC 212-17-335 PUBLIC DISPLAY—FIRING OF SHELLS. (1) Shells shall be carried from the storage area to the discharge site only by their bodies, never by their fuses.

(2) Shells shall be checked for proper fit in their mortars prior to the display.

(3) When loaded into mortars, shells shall be held by the thick portion of their fuses and carefully lowered into the mortar. At no time shall the operator place any part of his body over the throat of the mortar.

(4) The operator shall be certain that the shell is properly seated in the mortar.

(5) Shells shall not, under any circumstances, be forced into a mortar too small to accept them. Shells that do not fit properly into the mortars shall not be fired; they shall be disposed of according to the supplier's instructions.

(6) Shells shall be ignited by lighting the tip of the fuse with a fusee, torch, portfire, or similar device. The operator shall never place any part of his body over the mortar at any time. As soon as the fuse is ignited, the operator shall retreat from the mortar area.

(7) The safety cap protecting the fuse shall not be removed by the operator responsible for igniting the fuse until immediately before the shell is to be fired.

(8) The first shell fired shall be carefully observed to determine that its trajectory will carry it into the intended firing range and that the shell functions over, and any debris falls into, the potential landing area.

(9) The mortars shall be re-angled or reset if necessary at any time during the display.

(10) In the event of a shell failing to ignite in the mortar, the mortar shall be left alone for a minimum of five minutes, then carefully flooded with water. Immediately following the display, the mortar shall be emptied

into a bucket of water. The supplier shall be contacted as soon as possible for proper disposal instructions.

(11) Operators shall never attempt to repair a damaged shell nor shall they attempt to dismantle a dry shell. In all such cases, the supplier shall be contacted as soon as possible for proper disposal instructions.

(12) Operators shall never dry a wet shell, lance, or pot for reuse. In such cases, the shell, lance, or pot shall be handled according to disposal procedures.

(13) The entire firing range shall be inspected immediately following the display for the purpose of locating any defective shells. Any shells found shall be immediately doused with water before handling. The shells shall then be placed in a bucket of water. The supplier shall then be contacted as soon as possible for proper disposal instructions.

(14) When fireworks are displayed at night, the licensee shall insure that the firing range is inspected early the following morning.

(15) The operator of the display shall keep a record, on a form provided by the state fire marshal, of all shells that failed to ignite or fail to function. The form shall be completed and returned to the state fire marshal. Failures shall also be reported to the supplier.

NEW SECTION

WAC 212-17-340 PUBLIC DISPLAY—GROUND PIECES. (1) All ground pieces shall be positioned out of the firing range of aerial displays. Mortars shall be positioned so that they do not fire towards any ground pieces.

(2) No dry grass or combustible material shall be located beneath ground pieces. If dry, the area should be thoroughly wet down before the display.

(3) Poles for ground pieces shall be securely placed and firmly braced so that they will not fall over when they function.

(4) Specific instructions from the supplier shall accompany ground pieces. A list of required accessories shall also be supplied.

NEW SECTION

WAC 212-17-345 REPORTS. After every public display, it shall be the responsibility of the licensed pyrotechnic operator in charge of the display to submit a written report to the state fire marshal, within ten days following the display, covering:

(1) A brief report of any duds, defective shells, with manufacturer's name, and the type and size of shell.

(2) A brief account of the cause of injury to any person(s) from fireworks and such person's name and address.

(3) A brief account of any fires caused by fireworks.

(4) Any violation of the state fireworks law or of these regulations relating to public display fireworks, with special observations on any irregularities on the part of persons present at the firing site.

(5) The names of pyrotechnic assistants who satisfactorily assisted in all phases of the display, if other than those shown on the license.

Failure to file this report shall constitute grounds for revocation of the operator's current license and/or rejection of his application for his license renewal.

PART IX—TRANSPORTATION

NEW SECTION

WAC 212-17-350 TRANSPORTATION—GENERAL. Licensees are authorized to transport the class and quantity of fireworks for which they have a license to possess from the point of acceptance from a licensed source to an approved storage facility or use site. Transportation shall be in accordance with the regulations of the United States Department of Transportation and the laws of the state of Washington governing the transportation of Class B and C explosives.

PART X—STORAGE

NEW SECTION

WAC 212-17-355 STORAGE—GENERAL. Storage of fireworks shall be free from any condition which increases or may cause an increase of the hazard or menace of fire or explosion or which may obstruct, delay or hinder, or may become the cause of any obstruction, delay or hindrance, to the prevention or extinguishment of fire.

NEW SECTION

WAC 212-17-360 STORAGE—EXPLOSIVE SAFETY. Any person storing fireworks shall have a license for the possession (manufacturer, wholesaler, importer, retailer, display) and, in addition, a permit from the local fire authority for the storage site. Storage shall be in accordance with requirements of the local fire official, who may use the safety practices in the appendix of these rules as guidelines in approving the storage permit.

NEW SECTION

WAC 212-17-900 APPENDIX. This appendix is not a part of this rule but is included to provide guidelines, based on nationally-recognized standards, for use by licensees in establishing safe practices involving the manufacture or storage of fireworks and for use by local fire officials in determining compliance with safety standards for the purpose of issuing permits for fireworks manufacture or storage.

In addition to the definitions in chapter 70.77 RCW and this rule, the following definitions apply to this appendix:

Barricade. A natural or artificial barrier that will effectively screen a magazine, building, railway, or highway from the effects of an explosion in a magazine or building containing explosives. It shall be of such height that a straight line from the top of any sidewall of a building or magazine containing explosives to the cave line of any magazine, or building, or to a point twelve feet above the center of a railway or highway, will pass through such natural or artificial barrier.

Natural Barricade. Natural features of the ground, such as hills, or timber of sufficient density that the surrounding exposures that require protection cannot be seen from the magazine or building containing explosives when the trees are bare of leaves.

Artificial Barricade. An artificial mound or revetted wall of earth of a minimum thickness of three feet.

Breakaway Construction. A general term which applies to the principle of purposely providing a weak wall so that the explosive effects can be directed and minimized. The term "weak wall" as used in this Code refers to a weak wall, weak wall and roof, or weak roof.

The term "weak wall" is used in a relative sense as compared to the construction of the entire building. The design strength of a "weak wall" will vary as to the building construction, as well as to the type and quantity of explosive or pyrotechnic materials in the building. The materials used for "weak wall" construction are usually light gauge metal, plywood, hardboard or equivalent lightweight material, and the material is purposely selected to minimize the danger from flying missiles. Method of attachment of the weak wall shall be such as to aid the relief of blast pressure and fireball.

Fireworks Plant. Means all lands, and buildings thereon, used for or in connection with the manufacture or processing of fireworks. It includes storage buildings used with or in connection with plant operation.

Highway. Means any public street, public alley or public road.

Inhabited Building. Means a building or structure regularly used in whole or part as a place of human habitation. The term "inhabited building" shall also mean any church, school, store, passenger station, airport terminal for passengers, and any other building or structure where people are accustomed to congregate or assemble, but excluding any building or structure occupied in connection with the manufacture, transportation, and storage of explosive materials or fireworks.

Magazine. Means any building or structure, other than a manufacturing building, meeting the requirements specified in Chapter 3 of this Code.

Manufacture of Fireworks. Means the preparation of fireworks mixes and the loading and assembling of all fireworks, except pyrotechnic display items made on site by qualified personnel for immediate use when such operation is otherwise lawful.

Mixing Building. Means any building used primarily for mixing and blending pyrotechnic composition, excluding wet sparkler mixes.

Motor Vehicle. Means any self–propelled passenger vehicle, truck, tractor, semitrailer, or truck–full trailer used for the transportation of freight over public highways.

Nonprocess Building. Means office buildings, warehouses, and other fireworks plant buildings where no fireworks or explosive compositions are processed or stored.

Person. Means any individual, firm, copartnership, corporation, company, association, joint stock association, and including any trustee, receiver, assignee, or personal representative thereof.

Process Building. Means any mixing building, any building in which pyrotechnic or explosive composition is pressed or otherwise prepared for finishing and assembling, or any finishing and assembling building, including a building used for preparation of fireworks for shipment. If a pyrotechnic or explosive composition while in the state of processing is stored in a process building, the building is classified as a process building. See also Storage Building.

Public Conveyance. Means any vehicle carrying passengers for hire.

Pyrotechnic Composition. Means a chemical mixture which on burning and without explosion produces visible or brilliant displays or bright lights, or whistles.

Railway. Means any steam, electric, diesel electric or other railroad or railway which carries passengers for hire on the particular line or branch in the vicinity where explosives or fireworks are stored or where fireworks manufacturing buildings are situated.

Screen Type Barricade. Means any of several barriers for containing embers and debris from fires and deflagrations in process buildings that could cause fires and explosions in other buildings. Screen type barricades are constructed of metal roofing, one–quarter–inch and one–half–inch mesh screen or equivalent material. A screen type barricade extends from the floor level of the donor building to such height that a straight line from the top of any side wall of the donor building to the cave line of the acceptor building will go through the screen at a point not less than five feet from the top of the screen. The top five feet of the screen are inclined at an angle of between 30 and 45 degrees, toward the donor building.

Squib. Means a device containing a small quantity of ignition compound in contact with a bridge wire.

Storage Building. Means any building, structure, or facility in which Class C fireworks in any state of processing, or finished Class C fireworks are stored, but in which no processing or manufacturing is performed.

Warehouse. Means any building or structure used exclusively for the storage of materials, except fireworks or combustible or explosive compositions used to manufacture fireworks.

PART I
MANUFACTURING OPERATIONS

1. General

11. All fireworks plants shall comply with the requirements of this section except that those plants that meet all of the conditions of the following paragraphs a, b and c need not comply with Articles 2 and 6:

a. Making only customized fireworks not for general sale.

b. Having not more than five pounds of explosive composition, including not more than one–half pound of initiating explosive, in a building at one time.

c. All explosive and pyrotechnic compositions are removed to an appropriate storage magazine at the end of each work day.

2. Building Site Security

21. All fireworks plants shall be completely surrounded by a substantial fence having a minimum height of

six feet. All buildings, except office buildings in which no processing or storage is permitted, must be located within the fence. All openings in the fence shall be equipped with suitable gates which shall be kept securely locked at all times, except when in actual use; except that the main gate of the plant may be left open during the regular hours of plant operation while in plain view of and under observation by authorized responsible employees or guards. Conspicuous signs indicating "WARNING —— NO SMOKING —— NO TRESPASSING" shall be posted along the plant fence at intervals not to exceed 500 feet.

22. No person other than authorized employees or representatives of departments of Federal, state, or political subdivisions of the state governments having jurisdiction over the establishment shall be allowed in any fireworks plants, except by special permission secured from the plant office.

3. Separation Distances

31. All process buildings shall be separated from inhabited buildings, public highways and passenger railways in accordance with Table 1.

32. The separation distance between process buildings shall be in accordance with Table 2.

33. Separation distances of nonprocess buildings from process buildings and magazines shall be in accordance with Table 2.

34. Separation of magazines containing black powder or salutes classified as Class B fireworks from inhabited buildings, highways, and other magazines containing black powder or salutes classified as Class B fireworks shall be in accordance with Table 3.

4. Building Construction

41. Process buildings, except buildings in which customers' orders are prepared for shipment, shall embody breakaway construction. The exterior of process buildings constructed after this Code is adopted shall be constructed of materials no more combustible than painted wood.

42. No building shall have a basement or be more than one story high. Interior wall surfaces and ceilings of buildings shall be smooth, free from cracks and crevices, noncombustible, and with a minimum of horizontal ledges upon which dust may accumulate. Wall joints and openings for wiring and plumbing shall be sealed to prevent entry of dust. Floors and work surfaces shall not have cracks or crevices in which explosives or pyrotechnic compositions may lodge.

43. Mixing and pressing buildings shall have conductive flooring, properly grounded.

44. The number and location of exits in buildings in which fireworks are being processed shall comply with a, b and c.

a. From every point in every undivided floor area of more than one hundred square feet there shall be at least two exits accessible in different directions. Where building floors are divided into rooms, there shall be at least two ways of escape from every room of more than one hundred square feet; toilet rooms need have only one exit and shall be so located that the points of access thereto are away from or suitably shielded from fireworks processing areas.

b. Exits shall be so located that it will not be necessary to travel more than twenty-five feet from any point to reach the nearest exit. The routes to the exits shall be unobstructed.

c. Exit doors shall open outward, and shall be capable of being pressure-actuated from the inside.

5. Heat, Light, Electrical Equipment

51. No stoves, exposed flames, or electric heaters may be used in any part of a building except in a boiler room, machine shop, office building, pumphouse, or lavatory in which the presence of fireworks, fireworks components, or flammable liquids are prohibited. Heating shall be by means of steam, indirect hot air radiation, hot water, or any other means approved by local authorities. Unit heaters, located inside buildings that at any time contain explosive or pyrotechnic composition, shall be equipped with motors and switches suitable for use in Class II, Division 1 locations.

52. Where artificial lighting is required in fireworks processing buildings it shall be by electricity. Temporary or loose electrical wiring shall not be used. Extension lights are prohibited except that during repair operations approved portable lighting equipment may be used after the area has been cleared of all pyrotechnic or explosive composition and after all dust has been removed by washing down.

53. All wiring in process buildings shall be in rigid metal conduit or be Type MI cable. The wiring, lighting fixtures, and switches shall comply with the requirements for Class II, Division 1 locations in Article 502 of the National Electrical Code, 1981 Edition.

54. Wiring, switches, and fixtures in storage buildings shall comply with the requirements for Class II, Division 2 locations in Article 502 of the National Electrical Code, 1981 Edition.

55. All presses and other mechanical devices shall be properly grounded.

56. A master switch shall be provided at the point where electric current enters the plant, which will, upon being opened, immediately cut off all electric current to the plant, except that to emergency circuits such as a supply to a fire pump or emergency lighting.

6. Maximum Building Occupancy and Quantities of Explosive or Pyrotechnic Compositions Permitted

61. The number of occupants in each process building and magazine shall be limited to that number necessary for the proper conduct of those operations.

NOTE: This requirement is for purposes of minimizing personnel exposure and is distinct from any requirement on maximum building occupancy that may be in the local building code.

62. The maximum number of occupants permitted in each process building and magazine shall be posted in a conspicuous location.

63. No more than 500 pounds of pyrotechnic and explosive composition shall be permitted at one time in any mixing building or any building in which pyrotechnic and explosive compositions are pressed or otherwise prepared for finishing and assembling.

64. No more than 500 pounds of pyrotechnic and explosive composition shall be permitted in a finishing and assembling building at one time.

7. Fire, Explosion Prevention

71. All buildings shall be kept clean, orderly, and free from accumulation of dust or rubbish. Powder or other explosive or pyrotechnic materials, when spilled, shall be immediately cleaned up and removed from the building.

72. Rags, combustible, pyrotechnic or explosive scrap, and paper shall be kept separate from each other and placed in approved marked containers. All waste and reject hazardous material shall be removed from all buildings daily and removed from the plant at regular intervals and destroyed by submersion in water or by burning in a manner acceptable to local authorities.

73. No smoking or carrying of lighted pipes, cigarettes, cigars, matches, lighters, or open flame, is permitted within the plant fence; except that smoking may be permitted in office buildings or buildings used exclusively as lunchrooms or rest rooms and in which the presence of fireworks or any explosive composition is prohibited. Authorized smoking locations shall be so marked, contain suitable receptacles for cigarette and cigar butts and pipe residue, and contain at least one serviceable fire extinguisher suitable for use on Class A fires. Persons whose clothing is contaminated with explosives, pyrotechnic, or other dangerous materials to the degree that may endanger the safety of personnel shall not be permitted in smoking locations.

74. Matches, cigarette lighters or other flame–producing devices shall not be brought into any process building or magazine.

75. No employee or other person shall enter or attempt to enter any fireworks plant with liquor or narcotics in his possession, or while under the influence of liquor or narcotics, or partake of intoxicants or narcotics or other dangerous drugs while in a fireworks plant.

76. All persons working at or supervising the operations in fireworks mixing and pressing buildings shall be provided with, and wear, cotton working uniforms. In addition, conductive shoes and cotton socks shall be required for all Class B fireworks operations and all mixing, pressing, loading, and matching related to Class C fireworks. Facilities for changing into these uniforms, and safekeeping for the employees' street clothes shall be provided. The uniforms shall be frequently washed, to prevent accumulation of explosive or other pyrotechnic compounds, and shall not be worn outside the fireworks plant. Washing and shower facilities for employees shall be provided. All persons working in or supervising the operations in a process building shall wear protective clothing and eye protection as needed. All persons working in or supervising mixing areas shall wear respirators when the situation dictates their need.

77. Each fireworks plant shall have an employee designated as safety officer. All employees of a fireworks plant, upon commencing employment and at least annually thereafter, shall be given formal instruction by this safety officer, regarding proper methods and procedures in fireworks plants and safety requirements and procedures for handling explosives, pyrotechnics and fireworks.

78. In areas where there is a danger of ignition of materials by sparks, properly maintained and nonferrous safety hand tools shall be used.

79. In no case shall oxidizers such as nitrates, chlorates, or perchlorates be stored in the same building with combustible powdered materials such as charcoal, gums, metals, sulfur, or antimony sulfide.

8. Testing Fireworks

81. Testing of fireworks and components of fireworks shall be performed in an area set aside for that purpose and located at a safe distance, considering the nature of the materials being tested, from any plant building or other structure.

9. Fire Extinguishers; Emergency Procedures

91. Fire extinguishers shall be provided in all buildings except those in which pyrotechnic mixtures are exposed. The number and location of extinguishers shall be in accordance with the requirements of the local fire official.

92. Emergency procedures shall be formulated for each plant which will include personnel instruction in any emergency that may be anticipated. All personnel shall be made aware of an emergency warning signal.

93. Emergency procedures shall include instruction in the use of portable fire extinguishers and instructions on the type of fires on which they may and may not be used.

a. The employees shall be told that if a fire is involving or is in danger of spreading to pyrotechnic mixtures, they are to leave the building at once and follow prescribed procedures for alerting other employees.

b. Extinguishers may be used on fires involving ordinary combustible materials, if the fire can be fought and extinguished without exposing pyrotechnic mixtures.

PART II
STORAGE OF CLASS B FIREWORKS

1. General Provisions

11. Class B fireworks shall be stored in magazines that meet the requirements of this section.

12. Class B fireworks shall be stored in magazines unless they are in process of manufacture, being physically handled in the operating process, being packaged or being transported.

13. Magazines required by this section shall be constructed in accordance with Articles 2 and 3.

14. Class B fireworks that are bullet–sensitive, shall be stored in Type 1, 2, or 3 magazines.

a. Black powder, and Class B fireworks that are not bullet–sensitive shall be stored in a Type 1, 2, 3, or 4 magazine.

15. Magazines containing black powder shall be separated from inhabited buildings, passenger railways, and public highways, and other magazines in accordance with Table 3.

16. Magazines containing Class B fireworks shall be separated from inhabited buildings, passenger railways and public highways in accordance with Table 1.

17. Magazines containing Class B fireworks shall be separated from other magazines and from fireworks plant buildings by barricades or screen-type barricades and the distances from other magazines and process buildings shall be in accordance with Table 2.

2. Construction of Magazines—General

21. Magazines shall be constructed in conformity with the provisions of this section or may be of substantially equivalent construction.

22. The ground around magazines shall be graded in such a manner that water will drain away from the magazines.

23. Magazines requiring heat shall be heated by either hot water radiant heating within the magazine building, or air directed into the magazine building over either hot water or low pressure steam (15 psig maximum) coils located outside the magazine building.

24. The magazine heating systems shall meet the following requirements:

1. The radiant heating coils within the building shall be installed in such a manner that the fireworks containers cannot contact the coils and air is free to circulate between the coils and the fireworks.

2. The heating ducts shall be installed in such a manner that the hot air discharge from the duct is not directed against the fireworks or fireworks containers.

3. The heating device used in connection with a magazine shall have controls that prevent the ambient building temperature from exceeding 130° F.

4. The electric fan or pump used in the heating system for a magazine shall be mounted outside and separate from the wall of the magazine and shall be grounded.

5. The electric fan motor and the controls for an electrical heating device used in heating water or steam shall have overloads and disconnects, which comply with the National Electrical Code, 1981. All electrical switch gear shall be located a minimum distance of 25 feet from the magazine.

6. The heating source for water or steam shall be separated from the magazine by a distance of not less than 25 feet when electric and 50 feet when fuel-fired. The area between the heating unit and the magazine shall be cleared of all combustible materials.

7. The storage of fireworks and fireworks containers in the magazine shall allow uniform air circulation so temperature uniformity can be maintained throughout the stored materials.

25. When lights are necessary inside the magazine, electric safety flashlights or electric safety lanterns shall be used.

a. The authority having jurisdiction may authorize interior lighting of special design for magazines provided that adequate safety is maintained.

26. When ventilation is required in a magazine, sufficient ventilation shall be provided to protect the stored materials in storage for the specific area in which the magazine is located. Stored materials shall be so placed in the magazine as not to interfere with ventilation and shall be stored so as to prevent contact with masonry walls or with any steel or other ferrous metal by means of a nonsparking lattice or equivalent lining.

3. Construction of Magazines

31. Type 1 Magazine. A Type 1 magazine shall be a permanent structure such as a building or an igloo that is bullet-resistant, fire-resistant, theft-resistant, weather-resistant, and ventilated.

a. Walls. Examples of wall construction considered suitable for Type 1 magazines are:

1. Hollow masonry block construction with 8-inch blocks having the hollow spaces filled with well-tamped dry sand or a well-tamped cement/sand mixture.

2. Brick or solid cement block construction 8 inches thick.

3. Wood construction covered with 26-gauge metal having 3/4-inch plywood or wood sheathing with a 6-inch space between the exterior and interior sheathing and the space between the sheathing filled with well-tamped dry sand or well-tamped cement/dry sand mixture, with not less than 1-to-8 ratio of cement to sand.

4. Fourteen-gauge metal construction lined with 4 inches of brick, solid cement block or hardwood; or filled with 6 inches of sand.

b. Doors. Examples of door construction considered suitable for Type 1 magazines are:

1. Steel plate 3/8-inches thick lined with four layers of 3/4-inch tongue and groove hardwood flooring.

2. Metal plate not less than 14 gauge lined with four inches of hardwood.

c. Roof. The roof of a Type 1 magazine may be constructed of metal not less than 14 gauge; or 3/4-inch wood sheathing covered by metal not less than 26 gauge or other noncombustible roofing material. All exposed wood on the exterior including the eaves shall be protected by metal not less than 26 gauge.

d. Ceiling. Where the natural terrain around a Type 1 magazine makes it possible to shoot a bullet through the roof at such an angle that a bullet could strike the explosives stored in the magazine, then either the roof or the ceiling shall be of bullet-resistant construction. A bullet-resistant ceiling may be constructed at the eave line, covering the entire area of the magazine except the space necessary for ventilation. Examples of ceiling construction that are considered bullet-resistant are:

1. A tray having a depth of not less than 4 inches of sand.

2. A hardwood ceiling not less than 4 inches thick.

e. Foundation. The foundation may be of masonry, wood, or metal and shall be completely enclosed except for openings to provide cross ventilation. A wooden foundation enclosure shall be covered on the exterior with not less than 26-gauge metal.

f. Floor. The floor may be constructed of wood or other suitable floor materials. Floors constructed of materials that may cause sparks shall be covered with a surface of nonsparking material or the packages of explosives shall be placed on pallets of nonsparking material. Magazines constructed with foundation ventilation shall have at least a 2-inch air space between the side walls and the edge of the floor.

g. Ventilation. Type 1 magazines shall be ventilated to prevent dampness and heating of stored explosives. Ventilating openings shall be screened to prevent the entrance of sparks. Ventilators in side walls shall be offset

or shielded. Magazines having foundation and roof ventilators with the air circulating between the side walls and the floor and between the side walls and the ceiling shall have constructed a wooden lattice lining or equivalent to prevent the packages of explosives from being stacked against the side walls and blocking the air circulation.

h. Locks. Each door of a Type 1 magazine shall be equipped with two mortise locks; or with two padlocks fastened in separate hasps and staples; or with a combination of mortise lock and a padlock; or with a mortise lock that requires two keys to open; or a three-point lock, or equivalent type of lock that secures a door to the frame at more than one point. Padlocks shall be steel having at least five tumblers and at least a 7/16-inch-diameter case-hardened shackle. All padlocks shall be protected by steel hoods that are installed in a manner to discourage insertion of bolt cutters. Doors that are secured by a substantial internal bolt do not require additional locking devices. Hinges and hasps shall be securely fastened to the magazine and all locking hardware shall be secured rigidly and directly to the door frame.

32. Type 2 Magazine. A Type 2 magazine shall be a portable or mobile structure, such as a box, skid-magazine, trailer or semitrailer, that is fire-resistant, theft-resistant, weather-resistant, and ventilated. It shall also be bullet-resistant except when used for indoor storage.

a. Type 2 Outdoor Box Magazine

1. The sides, bottom, top and covers or doors of Type 2 outdoor box magazines shall be constructed of metal, lined with at least 4 inches of hardwood or equivalent bullet-resistant material. The floor shall be of wood or other suitable nonsparking floor materials. Floors constructed of ferrous metal shall be covered with a surface of nonsparking material. Magazines with top opening shall have a lid that overlaps the sides by at least 1 inch when in closed position.

2. Type 2 outdoor box magazines shall be supported in such a manner as to prevent the floor from having direct contact with the ground. Small magazines shall be securely fastened to a fixed object to prevent theft of the entire magazine.

3. Hinges, hasps, locks, and locking hardware shall conform to the provisions for Type 1 magazines as specified in Paragraph 31(h).

b. Type 2 Vehicular Magazine

1. The sides and roof shall be not less than 20 gauge metal. The walls shall be lined with 4 inches of brick or solid cement block or hardwood, or 6 inches of sand, or other bullet-resistant material. The exposed interior walls may be lined with wood. The roof shall be protected by a bullet-resistant ceiling meeting the construction requirements for bullet-resistant ceilings in Paragraph 31(d).

2. The doors shall be of metal, lined with not less than 4 inches of hardwood, or a metal exterior with a hardwood inner door not less than 4 inches in thickness.

3. The floors shall be in accordance with the provisions for Type 1 magazines in Paragraph 31(f).

4. The doors shall be locked with at least two padlocks for each door opening, either two padlocks on the exterior door fastened on separate hasps and staples or one padlock on the exterior door and one padlock on the interior door. The padlocks shall be steel having at least five tumblers and at least a 7/16-inch-diameter case-hardened shackle. The padlocks need not be protected by steel hoods. Hinges and hasps shall be securely fastened to the magazine and all locking hardware shall be secured rigidly and directly to the door frame. When unattended, vehicular magazines shall have wheels removed, or be locked with a kingpin locking device, or otherwise be effectively immobilized.

c. Type 2 Indoor Magazine

1. An indoor Type 2 magazine shall be provided with substantial wheels or casters to facilitate removal from a building in an emergency. The cover for the magazine shall have substantial strap hinges and a means for locking. The magazine shall be kept locked except during the placement or removal of explosive materials with one five-tumbler padlock or equivalent.

2. Type 2 indoor magazines shall be painted red and shall bear lettering in white, on top, at least three inches high, "Explosives—Keep Fire Away."

3. Type 2 indoor magazines constructed of wood shall have sides, bottoms, and covers or doors constructed of 2-inch hardwood and shall be well braced at corners. The magazines shall be covered with sheet metal of not less than 20 gauge. Nails exposed to the interior of such magazines shall be countersunk.

4. Type 2 indoor magazines constructed of metal shall have sides, bottoms, and covers or doors constructed of 12-gauge metal and shall be lined inside with a nonsparking material. Edges of metal covers shall overlap sides at least 1 inch.

33. Type 3 Magazine. Type 3 magazines shall be portable structures that are bullet-resistant, fire-resistant, theft-resistant, and weather-resistant.

a. Type 3 magazines shall be equipped with a five-tumbler padlock.

b. Type 3 magazines constructed of wood shall have sides, bottoms, and covers or doors constructed of 4-inch hardwood and shall be well braced at corners. They shall be covered with sheet metal of not less than 20 gauge. Nails exposed to the interior of such magazines shall be countersunk.

c. Type 3 magazines constructed of metal shall have sides, bottoms, and covers or doors constructed of 12-gauge metal and shall be lined inside with a nonsparking material. Edges of metal covers shall overlap sides at least 1 inch.

34. Type 4 magazine. A Type 4 magazine shall be a permanent, portable, or mobile structure, such as a building igloo, box, semitrailer, or other mobile container that is fire-resistant, theft-resistant, and weather-resistant.

a. Type 4 Outdoor Magazine

1. A Type 4 outdoor magazine shall be constructed of masonry, wood covered with metal, fabricated metal or a combination of these materials. The doors shall be metal or wood covered with metal. Permanent magazines shall be constructed in accordance with those provisions for

Type 1 magazines pertaining to: foundations (Paragraph 31(e)); ventilation (Paragraph 31(g)); and locks, hinges, hasps and locking hardware (Paragraph 31(h)). Vehicular Type 4 magazines shall be in accordance with the provisions for Type 2 vehicular magazines for locks, hinges, hasps and locking hardware (Paragraph 32(b)4) and shall be immobilized when unattended (Paragraph 32(b)2).

b. Type 4 Indoor Magazine

1. A Type 4 indoor magazine shall be in accordance with the provisions of a Type 2 indoor magazine (Paragraph 32(d)).

4. Magazine Operations

41. Storage Within Magazines

a. Magazines shall be in the charge of a competent person at all times who shall be at least 21 years of age, and who shall be held responsible for the enforcement of all safety precautions. The competent person shall keep an up–to–date inventory of the contents of magazines.

b. All magazines containing Class B fireworks or black powder shall be opened and inspected at intervals of not greater than three days to determine whether there has been an unauthorized entry or attempted entry into the magazines; or to determine whether there has been unauthorized removal of the magazines or the contents of the magazines.

c. Magazine doors shall be kept locked, except during the time of placement and removal of stocks or during inspection.

d. Safety rules covering the operations of magazines shall be posted on the interior of the magazine door.

e. Corresponding grades and brands shall be stored together in such a manner that brands and grade marks show. All stocks shall be stored so as to be easily counted and checked.

f. Containers shall be piled in a stable manner.

g. Containers of Class B fireworks shall be laid flat with top side up.

h. Black powder in shipping containers, when stored in magazines with other explosives, shall be segregated. Black powder stored in kegs shall be stored on ends, bungs down, or on side, seams down.

i. Open containers shall be securely closed before being returned to a magazine. Only fiberboard containers may be opened in the magazine. No container without a closed lid may be stored in the magazine.

j. Wooden packages of Class B fireworks or black powder shall not be unpacked or repacked in a magazine nor within 50 feet of a magazine or in close proximity to other explosive materials.

k. Tools used for opening containers of Class B fireworks or black powder shall be constructed of nonsparking material, except that metal slitters may be used for opening fiberboard containers. A wood wedge and a fiber, rubber or wood mallet shall be used for opening or closing wood containers of explosives.

l. Magazines shall be used exclusively for the storage of Class B fireworks and black powder. Metal tools other than nonferrous transfer conveyors, shall not be stored in any magazine containing Class B fireworks or black powder. Ferrous metal conveyor stands may be stored in the magazine when the stands are protected by a coat of paint.

m. Magazine floors shall be regularly swept, kept clean, dry, free of grit, paper, empty used packages and rubbish. Brooms and other cleaning utensils shall not have any spark–producing metal parts. Sweepings from floors of magazines shall be properly disposed of, in accordance with the instructions of the manufacturer.

n. When magazines need interior repairs, all fireworks and black powder shall be removed therefrom and the floors cleaned.

o. In making exterior magazine repairs, when there is a possibility of causing sparks or fire, the fireworks and black powder shall be removed from the magazine.

p. Fireworks and black powder removed from a magazine under repair shall either be placed in another magazine or placed a safe distance from the magazine, where they shall be properly guarded and protected until repairs have been completed. Upon completion of repairs, the fireworks and black powder shall be promptly returned to the magazine.

42. Miscellaneous Safety Precautions

a. Smoking, matches, open flames, spark–producing devices and firearms (except firearms carried by authorized guards) shall not be permitted inside of or within 50 feet of magazines.

b. The land surrounding magazines shall be kept clear of brush, dried grass, leaves and similar combustibles for a distance of at least 25 feet.

c. Combustible materials shall not be stored within 50 feet of magazines.

d. Property upon which magazines are located shall be posted with signs reading "Explosives—Keep Off." Such signs shall be located so as to minimize the possibility of a bullet's traveling in the direction of the magazine if anyone shoots at the sign.

PART III
STORAGE OF CLASS C FIREWORKS

1. General Provisions

11. Class C fireworks shall be kept in storage buildings that meet the requirements of this section.

12. Class C fireworks shall be stored in storage buildings unless they are in process of manufacture, being physically handled in the operating process, being used, packaged, or being transported.

13. Storage buildings required by this section shall be constructed in accordance with Article 2.

14. Storage buildings containing Class C fireworks shall be separated from inhabited buildings, passenger railways and public highways, in accordance with Table 1.

15. Storage buildings containing Class C fireworks shall be separated from other storage buildings, magazines and fireworks plant buildings in accordance with Table 2.

2. Construction of Storage Buildings

21. Storage buildings for Class C fireworks may be a building, igloo, box, trailer, semi–trailer or other mobile facility. They shall be constructed to resist fire from an outside source and to be weather–resistant and theft–resistant.

22. Storage buildings for Class C fireworks shall be vented, or in the alternative, shall be constructed in such a manner that venting will occur by yielding of weaker parts of the structure under pressure generated by burning fireworks.

23. All storage buildings shall be equipped with locking means for all openings.

24. All doors shall open outward and all exits must be clearly marked. Aisles and exit doors shall be kept free of any obstructions.

25. Only dust–ignition proof type electrical fixtures shall be used and wiring shall comply with Section 502–4(b) of the National Electrical Code. No wall receptacles are permitted. All light fixtures must have guards.

26. An outside master electrical switch shall be provided at each storage building where electricity is used.

3. Storage Building Operations

31. Storage.

a. Storage buildings shall be in the charge of a competent person at all times who shall be at least 21 years of age, and who shall be held responsible for the enforcement of all safety precautions.

b. Doors shall be kept locked, except during hours of operation.

c. Safety rules covering the operations of storage buildings shall be posted.

d. Containers shall be piled in a stable manner.

e. Class C fireworks shall be stored in their original packaging and in unopened cases or cartons so as to take advantage of the insulation provided by such packaging; provided, however, unpackaged fireworks which have been returned by retailers may be temporarily retained in bins for repackaging.

f. Tools used for opening containers of Class C fireworks shall be constructed of nonsparking material, except that metal slitters may be used for opening fiberboard containers.

g. Storage buildings shall be regularly swept, kept clean, dry, free of grit, paper, empty used packages and rubbish. Brooms and other cleaning utensils shall not have any spark–producing metal parts. Sweepings shall be properly disposed of.

h. When storage buildings need interior repairs, all fireworks shall be removed therefrom and the interior cleaned.

i. In making exterior storage building repairs, when there is a possibility of causing sparks of fire, the fireworks shall be removed from the storage building.

j. Fireworks removed from a storage building under repair shall either be placed in another storage building or placed a safe distance from the storage building, where they shall be properly guarded and protected until repairs have been completed. Upon completion of repairs, the fireworks shall be promptly returned to the storage building.

32. Miscellaneous Safety Precautions

a. Smoking, matches, open flames, spark–producing devices and firearms (except firearms carried by authorized guards) shall not be permitted inside of or within 25 feet of storage buildings.

b. The land surrounding storage buildings shall be kept clear of brush, dried grass, leaves and similar combustibles for a distance of at least 25 feet, unless equivalent protection is provided.

c. Smoking shall not be permitted in storage buildings or within 25 feet of the storage building. There shall be conspicuously posted signs with the words "FIREWORKS—NO SMOKING" in letters not less than four inches high.

PART IV
QUANTITY–DISTANCE SEPARATION TABLES

Table 1. Minimum Separation Distances of Fireworks Processing Buildings, Fireworks Magazines, and Fireworks Storage Buildings from Inhabited Buildings, Passenger Railways, and Public Highways.[1]

Net Weight of Fireworks[2]	Distance from Passenger Railways and Public Highways[3,4,5]		Distance from Inhabited Buildings[3,4,5]	
	Class C Fireworks	Class B Fireworks[5]	Class C Fireworks	Class B Fireworks[5]
Pounds	Feet	Feet	Feet	Feet
100	25	200	50	200
200	30	200	60	200
400	35	200	70	200
600	40	200	80	208
800	45	200	90	252
1,000	50	200	100	292
2,000	58	230	115	459
3,000	62	296	124	592
4,000	65	352	130	704
5,000	68	400	135	800
6,000	70	441	139	882
8,000	73	509	140	1,018
10,000	75	565	150	1,129
15,000	80	668	159	1,335
20,000	83	745	165	1,490
30,000	87	863	174	1,725
40,000	90	953	180	1,906
50,000	93	1,030	185	2,060
60,000	95	1,095	189	2,190
80,000	98	1,205	195	2,410
100,000	100	1,300	200	2,600
150,000	105	1,488	209	2,975
200,000	108	1,638	215	3,275
250,000	110	1,765	220	3,530

NOTE 1: This Table does not apply to separation distances at fireworks manufacturing buildings, and magazines for storage of Class B fireworks and storage buildings for Class C fireworks. Those separation distances are given in Table 2.

NOTE 2: Net weight is the weight of all pyrotechnic and explosive composition and fuse only.

NOTE 3: See definitions of "passenger railways," "public highways" and "inhabited buildings."

NOTE 4: Class B fireworks processing buildings and Class B fireworks magazines, including buildings located on the property of a fireworks plant shall be separated from passenger railways, public highways, and inhabited buildings by a minimum distance of 200 feet except that the separation from hospitals, schools and bulk storages of flammable liquids or flammable gases shall be by a minimum distance of 500 feet.

NOTE 5: The separation distances shall apply to all Class B fireworks except salutes. The separation distances in Table 3 shall apply for salutes. When salutes and Class B fireworks are stored in the same magazine, the net weight of salute is applied to Table 3 and the net weight of Class B fireworks, including the net weight of salutes, is applied to Table 1. Whichever distance is the greater shall determine the separation distances of the magazine.

NOTE 6: All distances in Table 1 are to be applied with or without barricades or screen–type barricades.

Table 2. Minimum Separation Distances at Fireworks Manufacturing Plants

Net Weight Fireworks[1]	Distance of Magazines and Storage Buildings from Process Buildings and Nonprocess Buildings[2,5]		Distance Between Process Buildings and Between Process and Nonprocess Buildings[2]	
	Class C Fireworks[3]	Class B Fireworks[4]	Class C Fireworks[3]	Class B Fireworks[4]
Pounds	Feet	Feet	Feet	Feet
100	30	30	37	57
200	30	35	37	69
400	30	44	37	85
600	30	51	37	97
800	30	56	37	105
1,000	30	60	37	112
2,000	30	76	37	172
3,000	35	87	48	222
4,000	38	95	60	264
5,000	42	103	67	300
6,000	45	109	72	331
8,000	50	120	78	382
10,000	54	129	82	423

NOTE 1: Net weight is the weight of all pyrotechnic and explosive compositions and fuse only.

NOTE 2: For the purposes of applying the separation distances in Table 2 a process building includes a mixing building, any building in which pyrotechnic or explosive compositions is pressed or otherwise prepared for finishing and assembling, and any finishing and assembling building. A nonprocess building means office buildings, warehouses, and other fireworks plant buildings where no fireworks or explosive compositions are processed or stored.

NOTE 3: Distances apply with or without barricades or screen–type barricades.

NOTE 4: Distances apply only with barricades or screen–type barricades.

NOTE 5: Distances include those between magazines, between storage buildings, between magazines and storage buildings, between magazines or storage buildings from process buildings and nonprocess buildings.

Table 3. Minimum Separation Distances of Magazines for Storage of Black Powder or Class B Salutes from Inhabited Buildings, Highways, and Other Magazines for Storage of Black Powder or Class B Salutes.

American Table of Distances for Storage of Explosives as Revised and Approved by The Institute of Makers of Explosives—November 5, 1971. Distances in feet.

Explosives		Inhabited Buildings		Public Highways Class A to D		Passenger Railways—Public Highways with Traffic Volume of more than 3,000 Vehicles/Day		Separation Magazines	
Pounds Over	Pounds Not Over	Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unba cade
2	5	70	140	30	60	51	102	6	1
5	10	90	180	35	70	64	128	8	1
10	20	110	220	45	90	81	162	10	2
20	30	125	250	50	100	93	186	11	2
30	40	140	280	55	110	103	205	12	2
40	50	150	300	60	120	110	220	14	2
50	75	170	340	70	140	127	254	15	3
75	100	190	380	75	150	139	278	16	3
100	125	200	400	80	160	150	300	18	3
125	150	215	430	85	170	159	318	19	3
150	200	235	470	95	190	175	350	21	4
200	250	255	510	105	210	189	378	23	4
250	300	270	540	110	220	201	402	24	4
300	400	295	590	120	240	221	442	27	5
400	500	320	640	130	260	238	476	29	5
500	600	340	680	135	270	253	506	31	6
600	700	355	710	145	290	266	532	32	6

Explosives		Inhabited Buildings		Public Highways Class A to D		Passenger Railways—Public Highways with Traffic Volume of more than 3,000 Vehicles/Day		Separation of Magazines	
Pounds Over	Pounds Not Over	Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unbarricaded
700	800	375	750	150	300	278	556	33	66
800	900	390	780	155	310	289	578	35	70
900	1,000	400	800	160	320	300	600	36	72
1,000	1,200	425	850	165	330	318	636	39	78
1,200	1,400	450	900	170	340	336	672	41	82
1,400	1,600	470	940	175	350	351	702	43	86
1,600	1,800	490	980	180	360	366	732	44	88
1,800	2,000	505	1,010	185	370	378	756	45	90
2,000	2,500	545	1,090	190	380	408	816	49	98
2,500	3,000	580	1,160	195	390	432	864	52	104
3,000	4,000	635	1,270	210	420	474	948	58	116
4,000	5,000	685	1,370	225	450	513	1,026	61	122
5,000	6,000	730	1,460	235	470	546	1,092	65	130
6,000	7,000	770	1,540	245	490	573	1,146	68	136
7,000	8,000	800	1,600	250	500	600	1,200	72	144
8,000	9,000	835	1,670	255	510	624	1,248	75	150
9,000	10,000	865	1,730	260	520	645	1,290	78	155
10,000	12,000	875	1,750	270	540	687	1,374	82	164
12,000	14,000	885	1,770	275	550	723	1,446	87	174
14,000	16,000	900	1,800	280	560	756	1,512	90	180
16,000	18,000	940	1,880	285	570	786	1,572	94	188
18,000	20,000	975	1,950	290	580	813	1,626	98	196
20,000	25,000	1,055	2,000	315	630	876	1,752	105	210
25,000	30,000	1,130	2,000	340	680	933	1,866	112	224
30,000	35,000	1,205	2,000	360	720	981	1,962	119	238
35,000	40,000	1,275	2,000	380	760	1,026	2,000	124	248
40,000	45,000	1,340	2,000	400	800	1,068	2,000	129	258
45,000	50,000	1,400	2,000	420	840	1,104	2,000	135	270
50,000	55,000	1,460	2,000	440	880	1,140	2,000	140	280
55,000	60,000	1,515	2,000	455	910	1,173	2,000	145	290
60,000	65,000	1,565	2,000	470	940	1,206	2,000	150	300
65,000	70,000	1,610	2,000	485	970	1,236	2,000	155	310
70,000	75,000	1,655	2,000	500	1,000	1,263	2,000	160	320
75,000	80,000	1,695	2,000	510	1,020	1,293	2,000	165	330
80,000	85,000	1,730	2,000	520	1,040	1,317	2,000	170	340
85,000	90,000	1,760	2,000	530	1,050	1,344	2,000	175	350
90,000	95,000	1,790	2,000	540	1,080	1,368	2,000	180	360
95,000	100,000	1,815	2,000	545	1,090	1,392	2,000	185	370
100,000	110,000	1,835	2,000	550	1,100	1,437	2,000	195	390
110,000	120,000	1,855	2,000	555	1,110	1,479	2,000	205	410
120,000	130,000	1,875	2,000	560	1,120	1,521	2,000	215	430
130,000	140,000	1,890	2,000	565	1,130	1,557	2,000	225	450
140,000	150,000	1,900	2,000	570	1,140	1,593	2,000	235	470
150,000	160,000	1,935	2,000	580	1,160	1,629	2,000	245	490
160,000	170,000	1,965	2,000	590	1,180	1,662	2,000	255	510
170,000	180,000	1,990	2,000	600	1,200	1,695	2,000	265	530
180,000	190,000	2,010	2,010	605	1,210	1,725	2,000	275	550
190,000	200,000	2,030	2,030	610	1,220	1,755	2,000	285	570

Explosives		Inhabited Buildings		Public Highways Class A to D		Passenger Railways—Public Highways with Traffic Volume of more than 3,000 Vehicles/Day		Separation Magazines	
Pounds Over	Pounds Not Over	Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unba caded
200,000	210,000	2,055	2,055	620	1,240	1,782	2,000	295	590
210,000	230,000	2,100	2,100	635	1,270	1,836	2,000	315	630
230,000	250,000	2,155	2,155	650	1,300	1,890	2,000	335	670
250,000	275,000	2,215	2,215	670	1,340	1,950	2,000	360	720
275,000	300,000	2,275	2,275	690	1,380	2,000	2,000	385	770

WSR 82-22-069
ADOPTED RULES
LIQUOR CONTROL BOARD
[Order 115, Resolution No. 124—Filed November 2, 1982]

Be it resolved by the Washington State Liquor Control Board, acting at Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA, that it does adopt the annexed rules relating to suggestive, lewd and/or obscene conduct on licensed premises, WAC 314-16-125.

This action is taken pursuant to Notice No. WSR 82-19-087 filed with the code reviser on September 22, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.030, 66.98.070 and Title 34 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED November 2, 1982.

By Robert D. Hannah
Chairman

AMENDATORY SECTION (Amending Order 83, Resolution No. 92, filed 11/18/81)

WAC 314-16-125 SUGGESTIVE, LEWD AND/OR OBSCENE CONDUCT ON LICENSED PREMISES. The following acts or conduct on licensed premises are prohibited:

(1) To employ or use any person in the sale or service of alcoholic beverages in or upon the licensed premises while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

(2) To employ or use the services of any hostess or other person to mingle with the patrons while such hostess or other person is unclothed or in such attire, costume or clothing as described in subsection (1) above.

(3) To encourage or permit any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.

(4) To permit any employee or person to wear or use any device or covering, exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof.

(5) To permit any person to perform acts of or acts which simulate:

(a) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

(b) The touching, caressing or fondling of the breast, buttocks, anus or genitals.

(c) The displaying of the pubic hair, anus, vulva or genitals.

(6) Subject to subsection (5) herein, to permit entertainers whose breast and/or buttocks are exposed to view to perform elsewhere on the licensed premises except upon a stage at least eighteen inches above the immediate floor level and removed at least six feet from the nearest patron.

(7) Subject to subsection (5) herein, to permit any dancer-entertainer to perform on the licensed premises except when removed at least six feet from the nearest patron. This subsection shall not be applied to performances of traditional ethnic dancing such as belly dancing, flamenco dancing, Hawaiian, or Tahitian dancing, etc., performed in restaurant, hotel, or club licensed premises, provided that the following conditions are met:

(a) That the licensee shall have applied for and received written approval of the board for such activity.

(b) That the dancers shall be compensated by the licensee.

(c) The licensee shall keep and have available for inspection by the board, or any peace officer, at all reasonable times, a list of all traditional ethnic dancers employed at the licensed premises. Such list shall be retained for a period of thirty days after termination of employment and shall designate the following information with respect to each entertainer:

(i) True name and professional or stage name, if any;

(ii) Residence address and phone number;

(iii) Social security number;

(iv) Terms of the agreement of employment; and

(v) Signature of both the licensee and the dancer.

(d) That a person employed as a traditional ethnic dancer at a licensed premises shall not act as an employee in any other public capacity such as a waiter, waitress, host/hostess, etc., in connection with the sale or service of liquor at that licensed premises.

(e) The dance performances authorized by this subsection shall be those performed for the enjoyment of the general audience of the licensee and not for individual patrons.

(8) To permit any person to use artificial devices or inanimate objects to depict any of the prohibited activities described above.

(9) To permit any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals or anus.

(10) To permit the showing of film, still pictures, electronic reproduction, or other visual reproductions depicting:

(a) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

(b) Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals.

(c) Scenes wherein a person displays the vulva or the anus or the genitals.

(d) Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

(11) Nothing in this rule is intended to modify the provisions of RCW 66.28.080 concerning city or county dancing or music permits.

(12) Notwithstanding any of the provisions of this rule, no licensee shall employ, use the services of, or permit upon his licensed premises, any entertainment or person whose attire or conduct is in violation of any city or county ordinance.

(13) The occurrence of any of the above acts or conduct, whether permitted on the part of a licensee or his employees or agents or any other persons under the control or direction of the licensee or his employees or agents, shall constitute good and sufficient cause for cancellation of license privileges.

(14) If any provision of this rule or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of the rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are severable.

WSR 82-22-070
PROPOSED RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed November 2, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning Food stamps—Certification periods—Waiver, amending WAC 388-54-760.

It is the intention of the secretary to adopt these rules on an emergency basis on November 1, 1982.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director
Division of Administration
Department of Social and Health Services
Mailstop OB 33-C
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by November 23, 1982. The meeting site is in a location which is barrier free;

that the agency will at 10:00 a.m., Tuesday, December 7, 1982, in the Building and Grounds Conference Room, Service Level, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 15, 1982.

The authority under which these rules are proposed is RCW 74.04.510.

The specific statute these rules are intended to implement is RCW 74.04.510.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 7, 1982.

Dated: November 1, 1982
By: David A. Hogan
Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-54-760.

Purpose of the Rule or Rule Change: To extend the food stamp certification period in cases where all members are subject to mandatory monthly reporting from six months to twelve.

The Reason These Rules are Necessary: To implement a federal waiver to the requirements of 7 CFR 273.

Statutory Authority: RCW 74.04.510.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Jay Emry, Program Manager, Division of Income Assistance, Mailstop: OB 31C, Phone: 3-5401.

These rules are necessary as a result of federal law, 7 CFR 273.

AMENDATORY SECTION (Amending Order 1720, filed 11/18/81)

WAC 388-54-760 CERTIFICATION PERIODS—DURATION. (1) Based upon a thirty-day month, the value of the allotment issued to an eligible household for the initial month shall be ((~~pro rated~~)) prorated from the date of application through the end of the month.

(2) An assistance household shall be assigned a certification period which coincides with the scheduled assistance reviews so that the review of the grant and food stamp basis of issuance can be accomplished simultaneously((~~. The certification period is not to exceed one year unless the secretary of USDA waives the twelve-month limit to improve the administration of the program~~)), except:

(a) Food stamp households where all members are subject to mandatory monthly reporting (MMR) may be certified for up to twelve months.

(b) Households whose assistance is authorized for less than six months may be assigned certification periods to coincide with the assistance authorization.

(3) Other households shall be certified for at least three months or assigned the longest certification period possible based on the predictability of the household's circumstances, except as follows:

(a) Certification may be for less than three months when there is a possibility of frequent changes in income or household status.

(i) A household eligible for a certification period of three months or less shall, at the time of certification, have this certification period increased by one month, if the certification process is completed after the fifteenth day of month of application and the household's circumstances warrant the longer certification period.

(ii) A household with one or more members on strike shall be assigned a certification period of no more than one month if the household is certified before the fifteenth day of the month; otherwise, the maximum certification period shall be for two months unless the department wishes to assign a longer certification period and the household signs a waiver of notice of adverse action.

(b) In situations in which there is little likelihood of changes in financial situation and household size, the household may be recertified for up to six months.

(c) A household consisting solely of unemployable persons with very stable income from retirement, disability payments, or similar sources may be certified up to twelve months, provided that other household circumstances are expected to remain stable.

(d) A household whose primary source of income is from self-employment, farm operations or farm employment may be certified up to twelve months, provided income can be readily predicted and household circumstances are not likely to change. A household with additional income from other sources shall be assigned a certification period in accordance with subsection (3) (a), (b), and (c) of this section.

WSR 82-22-071
EMERGENCY RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1895—Filed November 2, 1982]

I, David A. Hogan, director of the Division of Administration, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Food stamps—Certification periods—Waiver, amending WAC 388-54-760.

I, David A. Hogan, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are necessary to implement a federal waiver to the requirements of 7 CFR 273.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED November 1, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1720, filed 11/18/81)

WAC 388-54-760 CERTIFICATION PERIODS—DURATION. (1) Based upon a thirty-day month, the value of the allotment issued to an eligible household for the initial month shall be ((~~pro rated~~)) prorated from the date of application through the end of the month.

(2) An assistance household shall be assigned a certification period which coincides with the scheduled assistance reviews so that the review of the grant and food stamp basis of issuance can be accomplished simultaneously((~~. The certification period is not to exceed one year unless the secretary of USDA waives the twelve-month limit to improve the administration of the program~~)), except:

(a) Food stamp households where all members are subject to mandatory monthly reporting (MMR) may be certified for up to twelve months.

(b) Households whose assistance is authorized for less than six months may be assigned certification periods to coincide with the assistance authorization.

(3) Other households shall be certified for at least three months or assigned the longest certification period possible based on the predictability of the household's circumstances, except as follows:

(a) Certification may be for less than three months when there is a possibility of frequent changes in income or household status.

(i) A household eligible for a certification period of three months or less shall, at the time of certification, have this certification period increased by one month, if the certification process is completed after the fifteenth day of month of application and the household's circumstances warrant the longer certification period.

(ii) A household with one or more members on strike shall be assigned a certification period of no more than one month if the household is certified before the fifteenth day of the month; otherwise, the maximum certification period shall be for two months unless the department wishes to assign a longer certification period and the household signs a waiver of notice of adverse action.

(b) In situations in which there is little likelihood of changes in financial situation and household size, the household may be recertified for up to six months.

(c) A household consisting solely of unemployable persons with very stable income from retirement, disability payments, or similar sources may be certified up to twelve months, provided that other household circumstances are expected to remain stable.

(d) A household whose primary source of income is from self-employment, farm operations or farm employment may be certified up to twelve months, provided income can be readily predicted and household circumstances are not likely to change. A household with additional income from other sources shall be assigned a certification period in accordance with subsection (3) (a), (b), and (c) of this section.

WSR 82-22-072
PROPOSED RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed November 2, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning Limited casualty program—Medically needy, amending chapter 388-99 WAC.

It is the intention of the secretary to adopt these rules on or about November 1, 1982.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director
Division of Administration
Department of Social and Health Services
Mailstop OB 33-C
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by November 23, 1982. The meeting site is in a location which is barrier free;

that the agency will at 10:00 a.m., Tuesday, December 7, 1982, in the Building and Grounds Conference Room, Service Level, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 15, 1982.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is RCW 74.09.700.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 7, 1982.

Dated: November 2, 1982
By: David A. Hogan
Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending chapter 388-99 WAC.

Purpose of the Rule or Rule Change: To give medically needy recipients in the limited casualty program the choice of three-month or six-month certification.

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: The present rule calls for three-month certification. Six-month certification will be of benefit to some recipients with ongoing medical expenses.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: James Sparks, Program Manager, Division of Medical Assistance, Mailstop: LK-11, Phone: 3-7313.

These rules are not necessary as a result of federal law, federal court decision, or state court decision.

AMENDATORY SECTION (Amending Order 1868, filed 8/18/82)

WAC 388-99-020 ELIGIBILITY DETERMINATION—MEDICALLY NEEDY IN OWN HOME. (1) The medically needy income level (MNIL) shall be:

(a) One person	$ 323
(b) Two persons	$ 463
(c) Three persons	$ 497
(d) Four persons	$ 531
(e) Five persons	$ 612
(f) Six persons	$ 693
(g) Seven persons	$ 802
(h) Eight persons	$ 887
(i) Nine persons	$ 974
(j) Ten persons and above	$1,058

(2) For families and children countable income is determined by deducting, from gross income, amounts that would be deducted in determining AFDC grant eligibility. Earned income exemption of $30 plus 1/3 of the remainder does not apply for individuals applying solely for medical assistance.

(3) For aged, blind, and disabled individuals countable income is determined by deducting, from gross income, amounts that would be deducted in determining eligibility for the state supplementary payment.

(4) If countable income is equal to or less than the appropriate MNIL, the family or individual is certified eligible.

(5) If countable income is greater than the appropriate MNIL, the applicant is required to spenddown the excess countable income ((~~based on a three-month calculation~~)) for the base period. The base period shall be the three-month or six-month period which corresponds to the certification period, see WAC 388-99-055.

(6) Financial responsibility of relatives.

(a) For families and children,

(i) Income and resources of spouse or parent are considered available to the applicant whether or not actually contributed if they live in the same household.

(ii) Income and resources of spouse or parent are considered only to the extent of what is actually contributed if not in same household.

(b) For aged, blind, and disabled, see chapter 388-92 WAC for deeming of income.

(7) In mixed households (AFDC and SSI related members) eligibility shall be determined as for families and children.

AMENDATORY SECTION (Amending Order 1841, filed 6/30/82)

WAC 388-99-055 CERTIFICATION. (1) ((~~A recipient~~)) Applicants in their own homes shall have a choice of a three-month or a six-month certification period. Once certified the applicant may not change the chosen certification period.

(2) An applicant in own home shall be certified for no more than ((~~three~~)) six months.

((~~(2)~~)) (3) An applicant who is required to spenddown shall be certified from the day the spenddown requirement is met through the last

day of the three-month or six-month period which began with the month of application.

(((~~3~~))) (4) If retroactive coverage is requested at the time of application, a spenddown applicant shall be certified from the day the spenddown requirement was met through the last day of the three-month period which began up to three months prior to the month of application.

(((~~4~~))) (5) An application is required for any subsequent period of eligibility for LCP-MN.

(((~~5) An applicant who is required to spenddown shall be certified the day the spenddown requirement is met:~~)))

(6) Full-month coverage is not available during the first month of eligibility for persons who must establish eligibility by deducting incurred medical expense from countable income.

(7) A recipient in a medical facility, other than a hospital, shall be certified for twelve months.

(8) All medically needy ((~~recipients~~)) applicants shall receive individual notification of the disposition of their application.

(9) Any change in circumstances shall be reported within twenty days to the local community service office.

(10) Any recipient, aged, blind or disabled who has been terminated from SSI/SSP shall have their eligibility for LCP-MN determined in accordance with chapter 388-85 WAC.

WSR 82-22-073
EMERGENCY RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1896—Filed November 2, 1982]

I, David A. Hogan, director of the Division of Administration, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Limited casualty program—Medically needy, amending chapter 388-99 WAC.

I, David A. Hogan, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules will be of substantial benefit to certain medical assistance recipients.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED November 2, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1868, filed 8/18/82)

WAC 388-99-020 ELIGIBILITY DETERMINATION—MEDICALLY NEEDY IN OWN HOME. (1) The medically needy income level (MNIL) shall be:

(a) One person	*$ 323*
(b) Two persons	*$ 463*
(c) Three persons	*$ 497*
(d) Four persons	*$ 531*
(e) Five persons	*$ 612*
(f) Six persons	*$ 693*
(g) Seven persons	*$ 802*
(h) Eight persons	*$ 887*
(i) Nine persons	*$ 974*
(j) Ten persons and above	*$1,058*

(2) For families and children countable income is determined by deducting, from gross income, amounts that would be deducted in determining AFDC grant eligibility. Earned income exemption of $30 plus 1/3 of the remainder does not apply for individuals applying solely for medical assistance.

(3) For aged, blind, and disabled individuals countable income is determined by deducting, from gross income, amounts that would be deducted in determining eligibility for the state supplementary payment.

(4) If countable income is equal to or less than the appropriate MNIL, the family or individual is certified eligible.

(5) If countable income is greater than the appropriate MNIL, the applicant is required to spenddown the excess countable income ((~~based on a three-month calculation~~)) for the base period. The base period shall be the three-month or six-month period which corresponds to the certification period, see WAC 388-99-055.

(6) Financial responsibility of relatives.

(a) For families and children,

(i) Income and resources of spouse or parent are considered available to the applicant whether or not actually contributed if they live in the same household.

(ii) Income and resources of spouse or parent are considered only to the extent of what is actually contributed if not in same household.

(b) For aged, blind, and disabled, see chapter 388-92 WAC for deeming of income.

(7) In mixed households (AFDC and SSI related members) eligibility shall be determined as for families and children.

AMENDATORY SECTION (Amending Order 1841, filed 6/30/82)

WAC 388-99-055 CERTIFICATION. (1) ((~~A recipient~~)) Applicants in their own homes shall have a choice of a three-month or a six-month certification period. Once certified the applicant may not change the chosen certification period.

(2) An applicant in own home shall be certified for no more than ((~~three~~)) six months.

(((~~2~~))) (3) An applicant who is required to spenddown shall be certified from the day the spenddown requirement is met through the last day of the three-month or six-month period which began with the month of application.

(((~~3~~))) (4) If retroactive coverage is requested at the time of application, a spenddown applicant shall be certified from the day the spenddown requirement was met through the last day of the three-month period which

began up to three months prior to the month of application.

((~~(4)~~)) (5) An application is required for any subsequent period of eligibility for LCP-MN.

((~~(5) An applicant who is required to spenddown shall be certified the day the spenddown requirement is met.~~))

(6) Full-month coverage is not available during the first month of eligibility for persons who must establish eligibility by deducting incurred medical expense from countable income.

(7) A recipient in a medical facility, other than a hospital, shall be certified for twelve months.

(8) All medically needy ((~~recipients~~)) applicants shall receive individual notification of the disposition of their application.

(9) Any change in circumstances shall be reported within twenty days to the local community service office.

(10) Any recipient, aged, blind or disabled who has been terminated from SSI/SSP shall have their eligibility for LCP-MN determined in accordance with chapter 388-85 WAC.

WSR 82-22-074
PROPOSED RULES
STATE PATROL
[Filed November 2, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Patrol intends to adopt, amend, or repeal rules concerning transportation of hazardous materials, chapter 446-50 WAC;

that the agency will at 10:00 a.m., Thursday, January 6, 1983, in the Washington State Patrol District Headquarters, Bellevue, Washington 98007, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 46.48.170 and 46.48.190.

The specific statute these rules are intended to implement is chapter 446-50 WAC, Transportation of Hazardous Materials Technical Advisory Committee.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 6, 1983.

Dated: November 2, 1982
By: Neil W. Moloney
Chief

STATEMENT OF PURPOSE

Statutory Authority: Chapter 46.68 RCW.

We, the State Patrol and the Hazardous Materials Technical Advisory Committee, find these proposed amendments for adoption necessary to ensure safe transportation of hazardous materials within the state of Washington.

The amendment was drafted by Lieutenant L. R. Hart and the Hazardous Materials Technical Advisory Committee. Lieutenant L. R. Hart can be contacted by phone at (206) 753-6554. Implementation of these rules was by the Washington State Patrol and the Hazardous Materials Technical Advisory Committee and shall be enforced by the Washington State Patrol.

AMENDATORY SECTION (Amending Order 82-2, filed January 28, 1982)

WAC 446-50-080 TRANSPORTATION REQUIREMENTS. (1) The Washington State Patrol acting by and through the Chief of the Washington State Patrol after conferring with the committee created by RCW 46.48.190 hereby adopts the following parts of Title 49 Code of Federal Regulations, including all appendices and amendments thereto, ((~~in effect on the effective date of this rule:~~)) as they exist on October 1982: 170 (Reserved), 171 General information, regulations, and definitions, 172 Hazardous materials table and hazardous materials communications regulations, 173 Shippers—General requirements for shipments and packaging, 177 Carriage on public highway, 178 Shipping container specifications, 180-189 (Reserved). Title 49 CFR, parts 100 through 199, relates to safety in the transportation of hazardous materials upon the public highways. This regulation is intended to apply only to the transportation of hazardous materials by highway in Washington, to the handling and storage operations incident to such transportation, and to the highway portion of an intermodal shipment of hazardous materials.

(2) Copies of Title 49 CFR, parts 100 through 199, now in force are on file at the Code Reviser's Office, Olympia, and at the Washington State Patrol Headquarters, Commercial Vehicle Enforcement Section, Olympia. Additional copies may be available for review at Washington State Patrol District Headquarters Offices, public libraries, Washington Utilities and Transportation, Bureau of Motor Carrier Safety Office, Olympia. Copies of the CFR may be purchased through the Superintendent of Documents, United States Government Printing Office, Washington, D. C. 20402.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 82-22-075
EMERGENCY RULES
DEPARTMENT OF LABOR AND INDUSTRIES
[Order 82-34—Filed November 2, 1982]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at Directors Office, General Administration Building, Olympia, Washington 98504, the annexed rules relating to workers' compensation coverage under Title 51 RCW for employers engaged in a combination of intrastate commerce and also in interstate or foreign commerce.

I, Sam Kinville, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is legislation enacted as House Bill 454 (chapter 63, Laws of 1982), section 16, inadvertently changed the law relative to common carrier employers engaged in a combination of intrastate commerce and also interstate or foreign commerce. Such employers were considered mandatorily covered prior to the changes made in HB 454. These legislative changes scheduled to become effective January 1, 1983, may exclude these employers from coverage under Title 51

RCW without their knowledge. This was not the intent of the original legislation.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 51.04.020(1) which directs that the Department of Labor and Industries has authority to implement the provisions of RCW 51.12.090, Intrastate and Interstate Commerce.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED November 2, 1982.

By Sam Kinville
Director

NEW SECTION

WAC 296-17-345 Effective January 1, 1983 common carrier employers engaged in a combination of intrastate commerce and also interstate or foreign commerce, heretofore considered mandatorily covered under RCW 51.12.090, may elect to exempt themselves from the provisions and benefits of Title 51 RCW by completing a Notice To Withdraw From Coverage form provided by the Department. The election to withdraw from coverage will become effective the date the notice is received by the Department.

Common carrier employers engaged in a combination of intrastate commerce and also interstate or foreign commerce who do not elect to withdraw from the coverage provided under Title 51 RCW will be considered to have elected coverage in the manner provided by RCW 51.12.110

For common carriers engaged in a combination of intrastate and also interstate or foreign commerce only the employer's application for industrial insurance account will be considered sufficient notice of elective coverage under the elective adoption provisions of RCW 51.12-.110 and will entitle the employer to all the benefits and make the employer subject to all the liabilities under the Title without further action.

WSR 82-22-076
PROPOSED RULES
PLANNING AND COMMUNITY AFFAIRS AGENCY
[Filed November 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Planning and Community Affairs Agency intends to adopt, amend, or repeal rules concerning the Washington State Weatherization Assistance Program for low-income persons, chapter 365-55 WAC; WAC 365-55-010 definitions; WAC 365-55-020 program description; WAC 365-55-030 program purpose; WAC 365-55-040 application procedure; WAC 365-55-050 contract awards; WAC 365-55-060 reports and records; WAC 365-55-070 policy advisory council; and WAC 365-55-080 termination.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 14, 1982.

The authority under which these rules are repealed is RCW 43.63A.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 14, 1982.

Dated: November 2, 1982
By: Karen Rahm
Director

STATEMENT OF PURPOSE

Title: Chapter 365-55 WAC, Washington State Weatherization Assistance Program for Low-Income Persons.

Summary of Rule and Reasons Supporting the Proposed Action: Chapter 365-55 WAC relates to the general purpose, application and contract procedures, and the formation and maintenance of reports, records and an advisory council for the weatherization assistance program. There is no longer a single source of funding for this program and the rules no longer pertain to any funding requirements. Chapter 365-55 WAC, therefore, is both inaccurate and unnecessary.

Agency Personnel Responsible for Drafting the Rule Action: Karen Rahm, Director, Planning and Community Affairs Agency, Ninth and Columbia Building, MS GH-51, Olympia, Washington 98504, (206) 753-2200.

Name of Person or Organization Proposing the Rule Change: Planning and Community Affairs Agency.

Agency Comments or Recommendations: No further comments or recommendations.

This action is not necessary as the result of federal law or federal or state court action.

REPEALER

The following sections of the Washington Administrative Code are each repealed:

(1)	WAC 365-55-010	DEFINITIONS
(2)	WAC 365-55-020	PROGRAM DESCRIPTION
(3)	WAC 365-55-030	PROGRAM PURPOSE
(4)	WAC 365-55-040	APPLICATION PROCEDURE
(5)	WAC 365-55-050	CONTRACT AWARDS
(6)	WAC 365-55-060	REPORTS AND RECORDS
(7)	WAC 365-55-070	POLICY ADVISORY COUNCIL
(8)	WAC 365-55-080	TERMINATION

WSR 82-22-077
PROPOSED RULES
DEPARTMENT OF REVENUE
[Filed November 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning:

New	WAC 458-40-18679	Definitions for January 1 through June 30, 1983.
New	WAC 458-40-18680	Stumpage value areas—Map for January 1 through June 30, 1983.

New	WAC 458-40-18681	Hauling distance zones—Maps for January 1 through June 30, 1983.
New	WAC 458-40-18682	Timber quality code numbers—Tables for January 1 through June 30, 1983.
New	WAC 458-40-18683	Stumpage values—Tables for January 1 through June 30, 1983.
New	WAC 458-40-18684	Harvester adjustments—Tables for January 1 through June 30, 1983.
New	WAC 458-40-18685	Small harvester option for period January 1 through June 30, 1983.
New	WAC 458-40-18686	Definitions for small harvester option for January 1 through June 30, 1983.
New	WAC 458-40-18687	Taxable stumpage value for January 1 through June 30, 1983.
Amd	WAC 458-40-18600	General.
Amd	WAC 458-40-19000	Timber pole volume table for west of Cascade Summit for the calendar period January 1 through June 30, 1983.
Amd	WAC 458-40-19001	Timber piling volume table for west of Cascade Summit for the calendar period January 1 through June 30, 1983.
Amd	WAC 458-40-19002	Timber pole volume table for east of Cascade Summit for the calendar period January 1 through June 30, 1983.
Amd	WAC 458-40-19003	Timber piling volume table for east of Cascade Summit for the calendar period January 1 through June 30, 1983.
Amd	WAC 458-40-19004	Conversion definitions and factors for the calendar period January 1 through June 30, 1983;

that the agency will at 10:00 a.m., Thursday, December 9, 1982, in the Large Conference Room, General Administration Building, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 30, 1982.

The authority under which these rules are proposed is RCW 84.33-.071, 84.33.073 and 84.33.074.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 9, 1982.

Dated: November 3, 1982
By: John B. Conklin
Supervisor, Forest Tax Section

STATEMENT OF PURPOSE

This statement of purpose, prepared in compliance with RCW 34-.04.045, accompanies proposed rules to be promulgated by the Department of Revenue as follows:

Title: Tables for Determination of Stumpage Values, new sections WAC 458-40-18679 through 458-40-18687 and amendatory sections WAC 458-40-18600 and 458-40-19000 through 458-40-19004.

Purpose: To establish the values for reporting and payment of timber excise tax levied by RCW 84.33.071.

Statutory Authority: RCW 84.33.071, which directs the Department of Revenue to prepare tables of stumpage values before June 30 and December 31 of each year to be used for the six month periods thereafter.

Summary and Reasons for the Rule: The tables set out the value of stumpage for each species or subclassification of timber within designated areas having similar growing, harvesting and marketing conditions. These values are to be used for computing the timber excise tax due quarterly by timber harvesters upon timber harvested for sale or for commercial industrial use during the period January 1, 1983, through June 30, 1983.

Drafters of the Rule: John Conklin, (206) 753-2871, and Robert Smith, (206) 753-1385, Evergreen Plaza Building, Room 303, 711 South Capitol Way, Olympia, WA 98501.

Rule Implementation and Enforcement: Trevor W. Thompson, Director, Property Tax, Evergreen Plaza Building, 711 South Capitol Way, Olympia, WA 98501, (206) 753-5503.

Proposer of the Rule: Department of Revenue, General Administration Building, Olympia, WA 98504.

Comments and Recommendations: None.

Federal Law or Court Action Citation: No federal laws involved or action requested by the courts.

AMENDATORY SECTION (Amending Order FT-82-3, filed 6/30/82)

WAC 458-40-18600 GENERAL. Pursuant to the duty imposed by RCW 84.33.071 to prepare tables of stumpage values for each species of timber and consistent with the duty to make allowances for age, size, quality, costs of removal, accessibility to point of conversion, market conditions, and all other relevant factors, the department has promulgated rules and prepared tables which prescribe stumpage values and make allowances for the relevant factors.

Pursuant to the duty imposed by RCW 84.33.073 and 84.33.074 to establish an elective manner for the small harvester to report his forest excise tax, the department has promulgated rules providing for filing an optional short form forest excise tax return.

WAC 458-40-18600, ((~~458-40-18670~~)) 458-40-18679 through ((~~458-40-18675~~)) 458-40-18687 and 458-40-19000 through 458-40-19004 are promulgated for the calendar period ((~~7/1/82~~)) January 1 through ((~~12/31/82~~)) June 30, 1983, pursuant to the rule-making requirements, and procedures prescribed or authorized by chapter 34.04 RCW.

These rules shall not be construed to affect any public timber contracts in effect prior to August 1, 1982.

NEW SECTION

WAC 458-40-18679 DEFINITIONS FOR JANUARY 1 THROUGH JUNE 30, 1983. (1) Acceptable Log Scaling Rule. The acceptable log scaling rule shall be the Scribner Decimal C Log Scale Rule or other prevalent measuring practice, provided that such other prevalent measuring practice shall be an acceptable scaling procedure and provided that such procedure shall be submitted to the department for approval prior to the time of harvest.

(2) Approved Log Scaling and Grading Rules.

(a) West of the Cascade Summit—Approved Scaling and Grading Rule. With respect to the reporting of timber harvested from private or public lands in areas west of the Cascade summit, which areas are designated as stumpage value areas 1, 2, 3, 4, 5, and 11 in the stumpage value area map of WAC 458-40-18680, the methods and procedures published by the Columbia River Log Scaling and Grading Bureau, Grays Harbor Log Scaling and Grading Bureau, and the Puget Sound Log Scaling and Grading Bureau and published as the "Official Log Scaling and Grading Rules" by the Puget Sound Log Scaling and Grading Bureau, Tacoma, Washington are approved by the department for use in those areas.

(b) East of the Cascade Summit—Approved Scaling Rule. With respect to the reporting of timber harvested from private or public lands in areas east of the Cascade summit, which areas are designated as stumpage value areas 6, 7, 8, 9, and 10 in the stumpage value area map of WAC 458-40-18680, the methods and procedures published by the United States Forest Service under the title "National Forest Log Scaling Handbook" procedures are approved by the department for use in those areas. This log scaling handbook is published under the title FSH 2409-11 National Forest Log Scaling Handbook, Forest Service, United States Department of Agriculture.

(c) East of the Cascade Summit—Established Grading Rule. Because the National Forest Log Scaling Handbook does not contain grading rules, a separate computation shall be made to arrive at the proper grade for purposes of determining the timber quality code number for timber harvested east of the Cascade summit. The grade for quality classification purposes of the timber harvested from private or public land east of the Cascade summit shall be determined by the number of sawable sixteen foot logs per thousand feet net Scribner Decimal C Log Scale. The computation shall be made under the following three-step procedure:

(i) Step 1. The highest possible total number of sawable sixteen foot logs which could be recovered shall be determined by dividing the sum total of length of all sawable logs harvested by the number sixteen.

(ii) Step 2. The average net volume per sixteen foot recoverable log shall be determined by dividing the total volume harvested (net log scale) by the total number of sixteen foot logs as determined in Step 1.

(iii) Step 3. The total number of logs per thousand board feet (MBF) shall be determined by dividing one thousand by the average net volume as determined in Step 2.

(3) Codominant Trees. Trees whose crowns form the general level of the crown cover and receive full light from above, but comparatively little light from the sides.

(4) Department. Department, for the purposes of this chapter, shall mean the department of revenue of the state of Washington.

(5) Dominant Trees. Trees whose crowns are higher than the general level of the canopy and who receive full light from the sides as well as from above.

(6) Forest Excise Tax Payment. Every person who is engaged in business as a harvester of timber from privately or publicly owned land shall pay a forest excise tax which shall be equal to the taxable stumpage value of timber harvested for sale or for commercial or industrial use and multiplied by the appropriate rate as provided in RCW 84.33.071.

(7) Harvester. Harvester shall mean every person who from his own land or from land of another under a right or license granted by lease or contract, either directly or by contracting with others, takes timber for sale or for commercial or industrial use. It does not include persons performing under contract the necessary labor or mechanical services for a harvester.

(8) Harvested Timber—When Determined. Timber shall be considered harvested at the time when in the ordinary course of business the quantity thereof by species is first definitely determined.

(9) Harvest Type. Harvest type shall be a term referring to the grouping of harvested timber by age and type of harvest and shall include and is limited to the following harvest types:

(a) Merchantable Sawtimber, All Ages—The removal of timber east of the Cascade summit shall be reported as "merchantable sawtimber, all ages", unless the harvest type comes within the definition in this chapter of "special forest products harvest".

(b) Old Growth Final Harvest. The removal of any timber from a harvest unit that is 100 years of age or older and west of the Cascade summit shall be reported as "old growth final harvest" unless the harvest type comes within the definition in this chapter of "special forest products harvest".

(c) Special Forest Products. The removal of Christmas trees (except as provided in RCW 84.33.170), shake blocks and boards, and posts and other western redcedar products shall be reported as "special forest products harvest".

(d) Thinning. The removal of timber from a harvest unit meeting all the following conditions:

(i) Harvest unit located west of the Cascade summit;

(ii) Timber that is less than 100 years of age;

(iii) The total merchantable volume which is removed is less than forty percent of the total merchantable volume of the harvest unit prior to harvest;

(iv) Not more than forty percent of the total volume removed is from the dominant and codominant trees;

(v) The trees removed in the harvest operation shall be distributed over the entire harvest unit.

(e) Young Growth Final Harvest. The removal of any timber from a harvest unit that is less than 100 years of age and does not meet the definition of thinning in paragraph (d) of this section and west of the Cascade summit shall be reported as "young growth final harvest" unless the harvest type comes within the definition in this chapter of "special forest products harvest" or within the definition of "thinning harvest".

(10) Harvest Unit. A harvest unit is a harvest area having the same forest excise tax permit number, stumpage value area, hauling distance zone, harvest type, harvest adjustments and harvester. A harvest unit may include more than one section.

(11) MBF. As used herein MBF shall mean one thousand board feet measured in Scribner Decimal C Log Scale Rule.

(12) Private Timber. Private timber is all timber harvested from privately owned lands.

(13) Public Timber. Public timber is timber harvested from state, federal, municipal, and other government owned lands.

(14) Sawlog. Sawlog shall mean any log large enough to produce one-third of its gross volume in sound lumber or other products that can be sawed.

(15) Species. Species designation is a biologically-based grouping of harvested timber and shall include but is not limited to the following designations of species and subclassifications thereof (as defined in Agriculture Handbook No. 541 Checklist of United States Trees (Native and Naturalized)):

(a) West of the Cascade summit:

(i) "Douglas-fir", "western hemlock", "true fir", "western redcedar", "noble fir", "Sitka spruce", "Alaska-cedar", "red alder", and "cottonwood" shall be reported as separate species where designated as such in the stumpage value tables of WAC 458-40-18674.

(ii) In areas west of the Cascade summit, species designations for the harvest type "special forest products" shall be "western redcedar" (shake blocks and boards), "western redcedar" (flatsawn and shingle blocks), "western redcedar and other" (posts), "Douglas-fir" (Christmas trees), "true fir and others" (Christmas trees).

(b) East of the Cascade summit:

(i) "Ponderosa pine", "lodgepole pine", "western white pine", "Douglas-fir", "western hemlock", "true fir", "western redcedar", "western larch" and "Engelmann spruce" shall be reported as separate species where designated as such in the stumpage value tables of WAC 458-40-18674.

(ii) In areas east of the Cascade summit, species designations for the harvest type "special forest products" shall be "western redcedar" (flatsawn and shingle blocks), "lodgepole pine and other" (posts), "pine" (Christmas trees), "Douglas-fir and other" (Christmas trees).

(c) All areas:

(i) "Other conifer", as used in the stumpage value tables, shall be all other conifers not separately designated in the applicable stumpage value tables.

(ii) "Hardwood", and "other hardwood", as used in the stumpage value tables, shall be all hardwoods not separately designated in the applicable stumpage value tables.

(iii) "Utility", "conifer utility", and "hardwood utility" are separate species as defined by the "Official Log Scaling and Grading Rules" published by the Puget Sound Log Scaling and Grading Bureau and shall be reported as separate species where designated as such in the stumpage value tables.

(16) Stumpage Value Area. A stumpage value area is an area with specified boundaries which contains timber having similar growing, harvesting, and marketing conditions. Presently, there are eleven such stumpage value areas designated in the state of Washington as shown under WAC 458-40-18680. Stumpage value areas 1, 2, 3, 4, 5, and 11 are located west of the Cascade summit and stumpage value areas 6, 7, 8, 9, and 10 are located east of the Cascade summit.

(17) Stumpage Value of Timber. The stumpage value of timber shall be the appropriate value for each species of timber harvested, or for each species of "special forest product" reported, as set forth in the stumpage value tables under WAC 458-40-18683.

(18) Timber. Timber shall include forest trees, standing or down, on privately or publicly owned land, and except as provided in RCW 84-.33.170 includes Christmas trees, shake blocks and boards, posts and other western redcedar products.

(19) Timber Quality Code Number. The timber quality code number is a number assigned to the harvest of a particular species within a harvest type under WAC 458-40-18682, and is based upon the constituent percentage of log grade specifications within the total volume of timber harvested for that particular species.

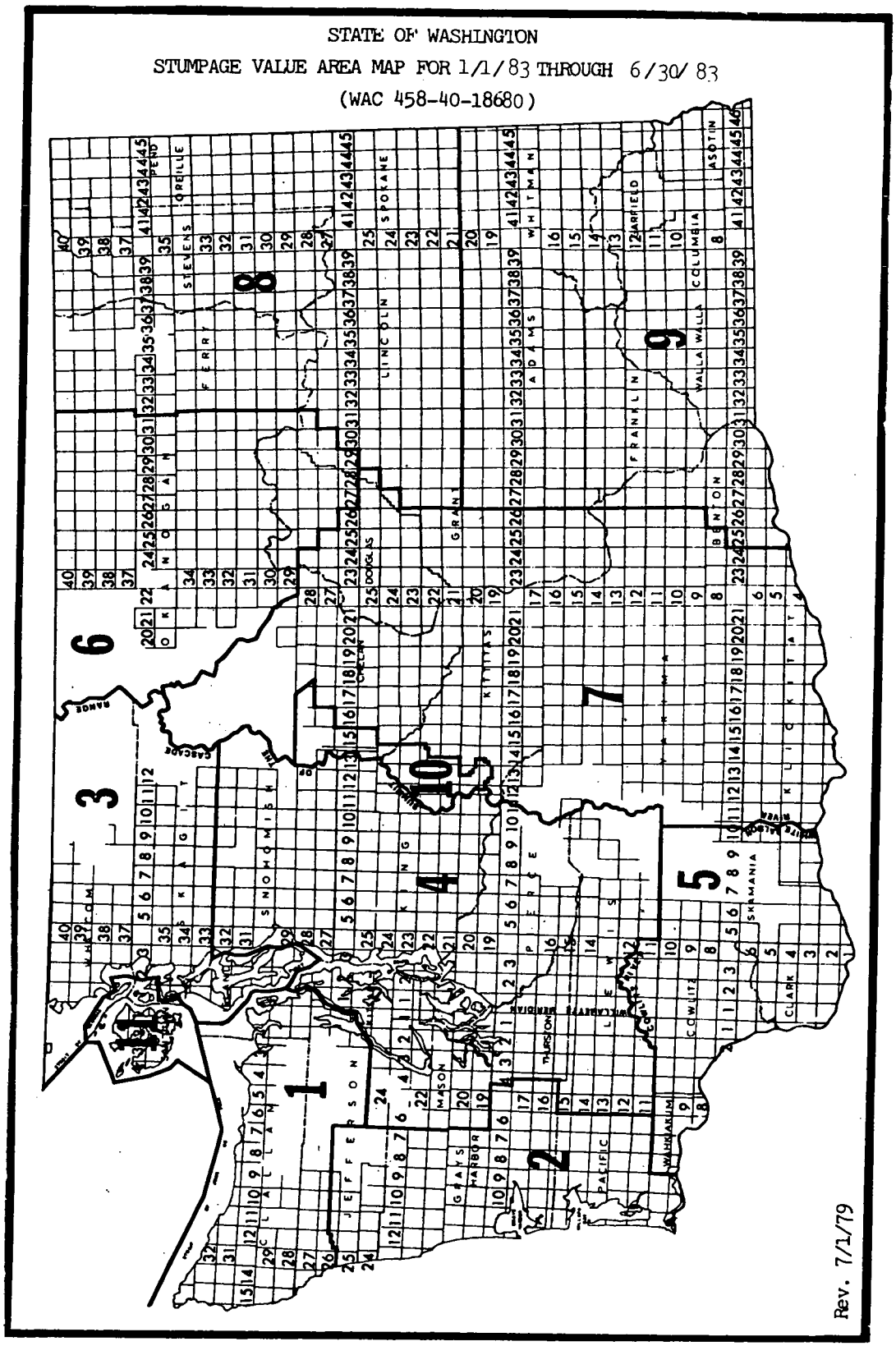
(20) This rule shall not be construed to affect any public timber contracts in effect prior to August 1, 1982.

NEW SECTION

WAC 458-40-18680 STUMPAGE VALUE AREAS—MAP FOR JANUARY 1 THROUGH JUNE 30, 1983. In order to allow for differences in market conditions and other relevant factors throughout the state as required by RCW 84.33.071(3) the department has created a map designating areas containing timber having similar growing, harvesting, and marketing conditions. The stumpage value area map shall be used for the determination of stumpage values.

The stumpage value area map shown herein shall be used to determine the proper stumpage value table to be used in calculating the taxable stumpage value under WAC 458-40-18683.

The following stumpage value area map is hereby adopted for use during the period of January 1 through June 30, 1983:

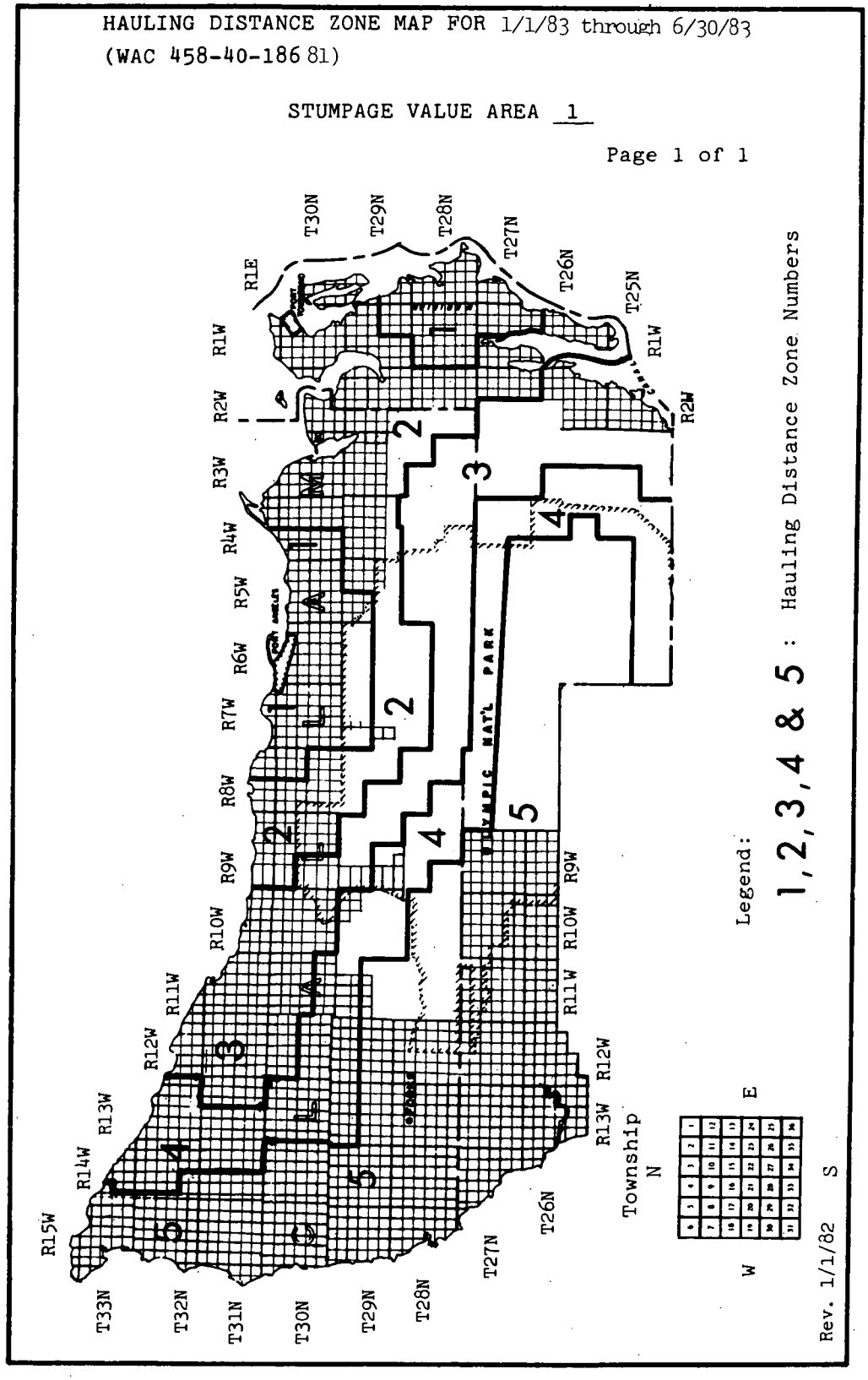

STATE OF WASHINGTON
STUMPAGE VALUE AREA MAP FOR 1/1/83 THROUGH 6/30/83
(WAC 458-40-18680)
Rev. 7/1/79

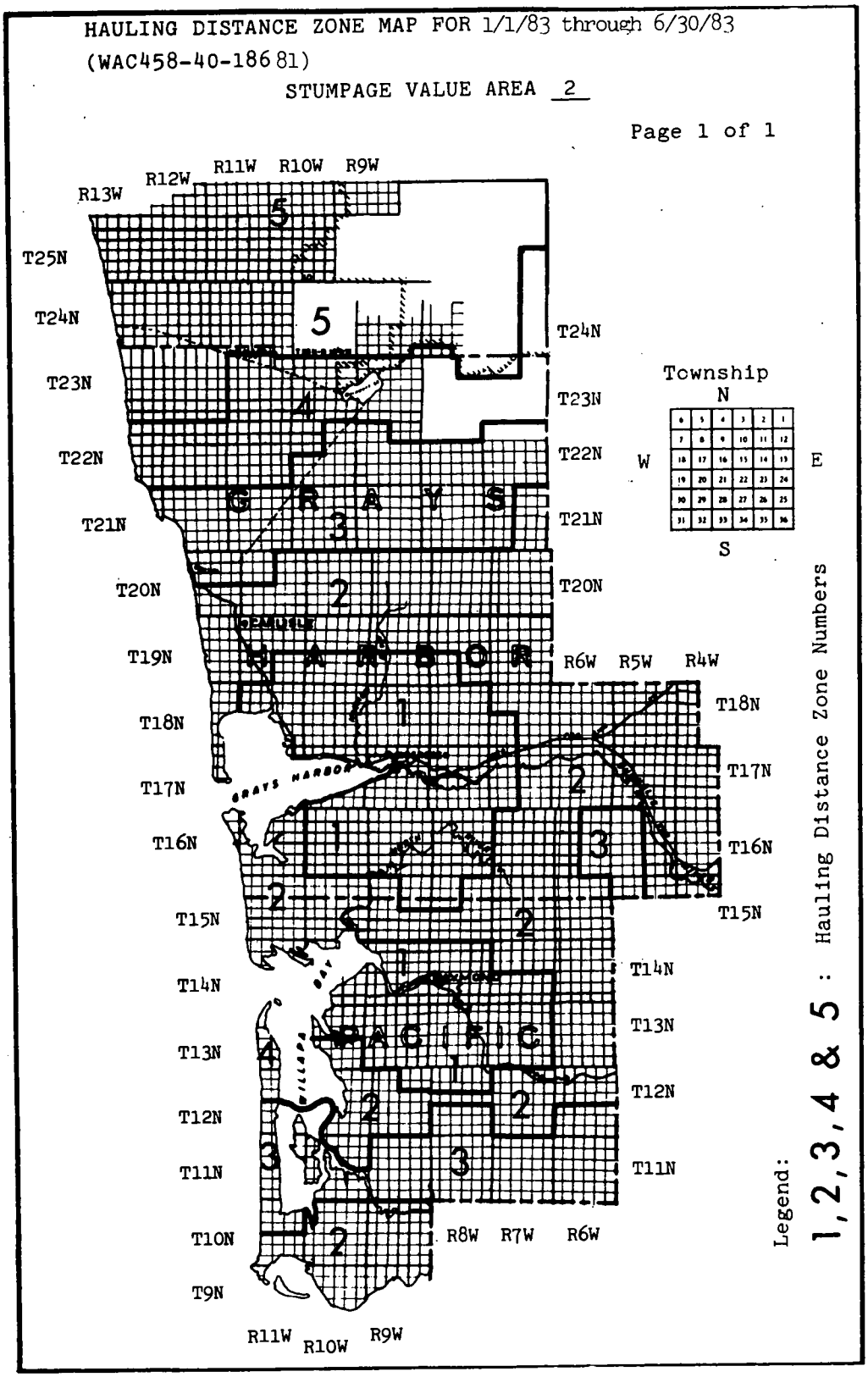
NEW SECTION

WAC 458-40-18681 HAULING DISTANCE ZONES—MAPS FOR JANUARY 1 THROUGH JUNE 30, 1983. In order to allow for differences in hauling costs and other relevant factors as required by RCW 84.33.071, the department has designated zones within each stumpage value area which have similar accessibility to conversion points and other similar hauling cost factors.

The hauling distance zone numbers on the following hauling distance zone maps establish the hauling distance zone numbers which are to be used in computing timber harvest value under the stumpage value tables of WAC 458-40-18683.

The following hauling distance zone maps designating zones established by the department as having similar hauling costs for transportation of forest products to the market, are hereby adopted for use during the period of January 1, 1983 through June 30, 1983:

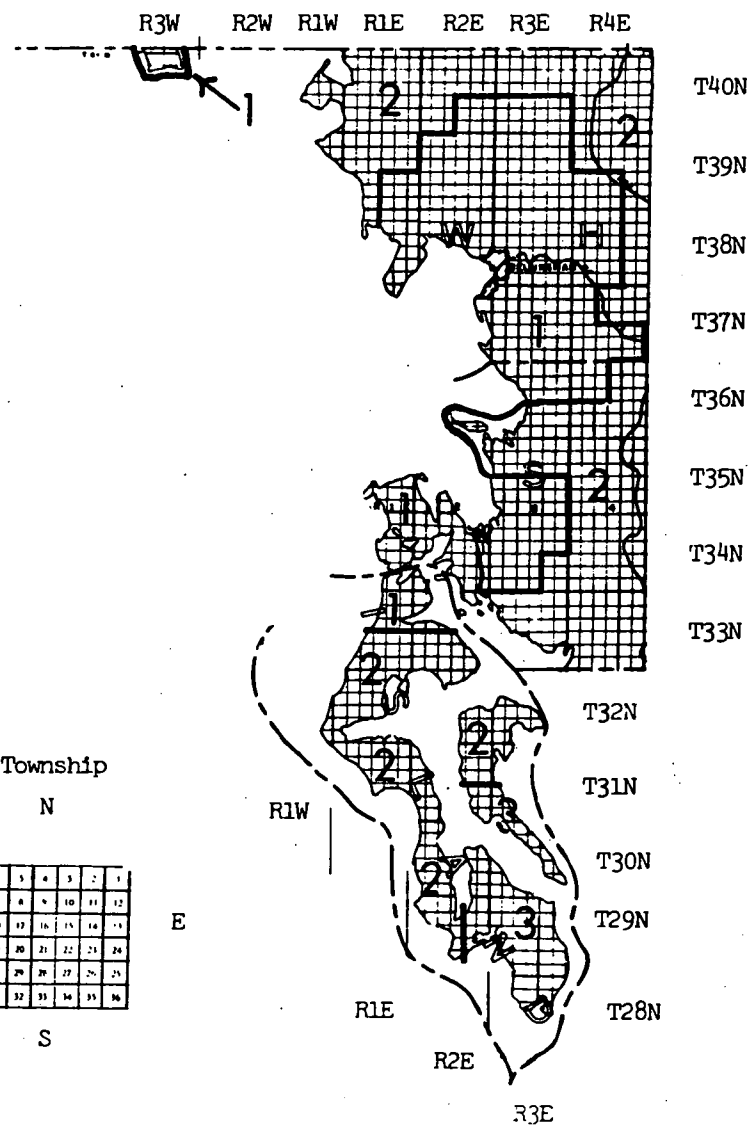

HAULING DISTANCE ZONE MAP FOR 1/1/83 through 6/30/83
(WAC 458-40-186 81)
STUMPAGE VALUE AREA 1
Page 1 of 1
Legend:
1, 2, 3, 4 & 5 : Hauling Distance Zone Numbers
Township
N
S
E
W
Rev. 1/1/82
OLYMPIC NAT'L PARK
T30N
T29N
T28N
T27N
T26N
T25N
T33N
T32N
T31N
R15W
R14W
R13W
R12W
R11W
R10W
R9W
R8W
R7W
R6W
R5W
R4W
R3W
R2W
R1W
R1E


HAULING DISTANCE ZONE MAP FOR 1/1/83 through 6/30/83
(WAC458-40-18681)
STUMPAGE VALUE AREA 2
Page 1 of 1
R13W
R12W
R11W
R10W
R9W
R8W
R7W
R6W
R5W
R4W
T25N
T24N
T23N
T22N
T21N
T20N
T19N
T18N
T17N
T16N
T15N
T14N
T13N
T12N
T11N
T10N
T9N
GRAYS HARBOR
PACIFIC
Township
N
W
E
S
Legend:
1,2,3,4 & 5 : Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR 1/1/83 through 6/30/83
(WAC458-40-18681)

STUMPAGE VALUE AREA 3

Page 1 of 2



Legend:

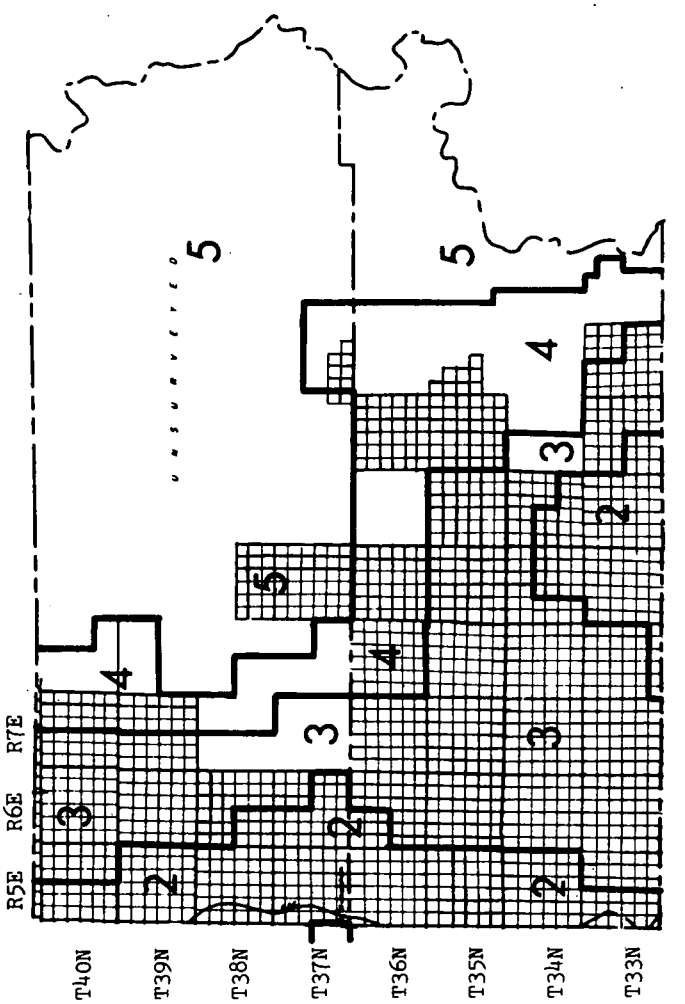
1, 2, 3, 4 and 5 : Hauling Distance Zone Numbers

7/1/79

HAULING DISTANCE ZONE MAP FOR 1/1/83 through 6/30/83
(WAC 458-40-18681)

STUMPAGE VALUE AREA 3

Page 2 of 2



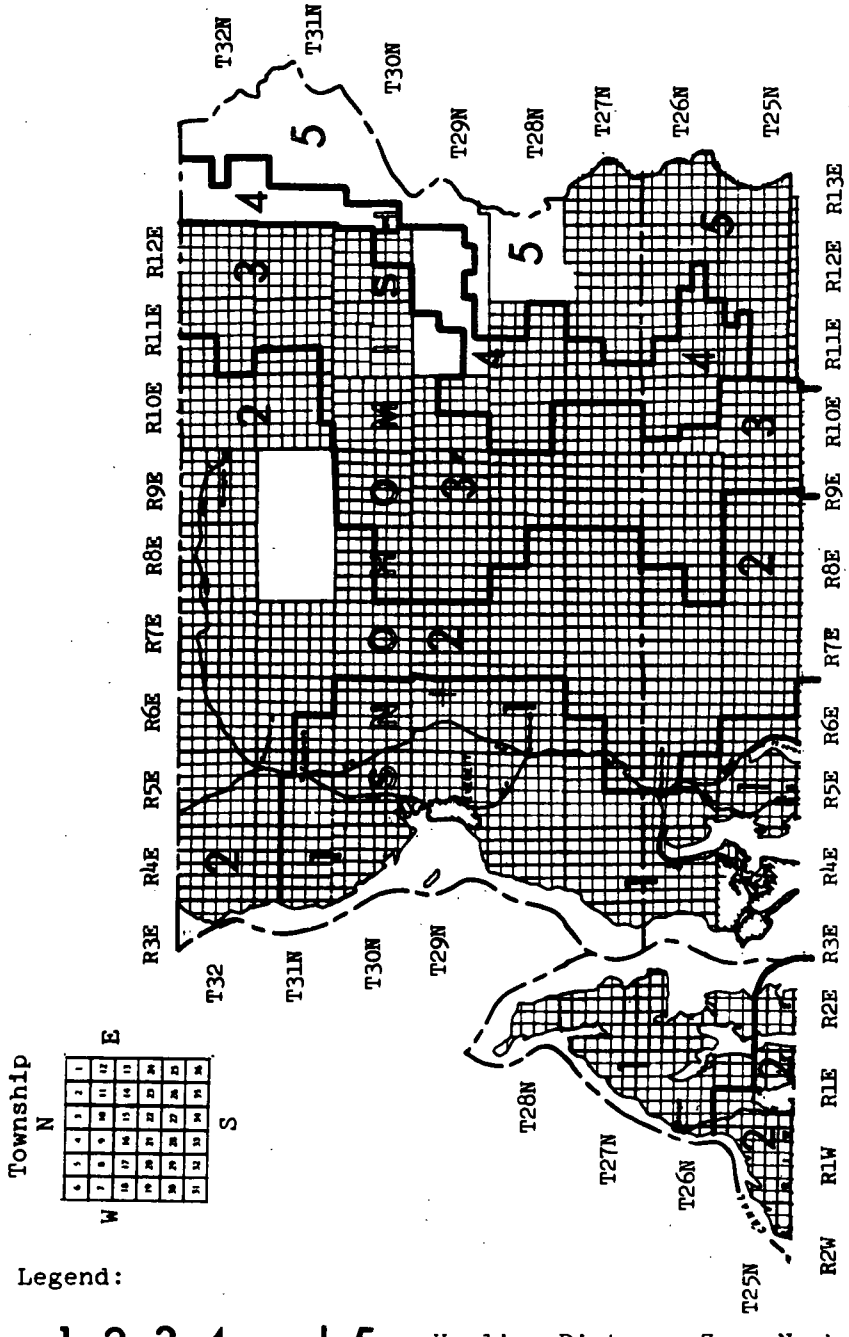
Legend:

2, 3, 4 and 5 : Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR 1/1/83 through 6/30/83
(WAC 458-40-18681)

STUMPAGE VALUE AREA 4

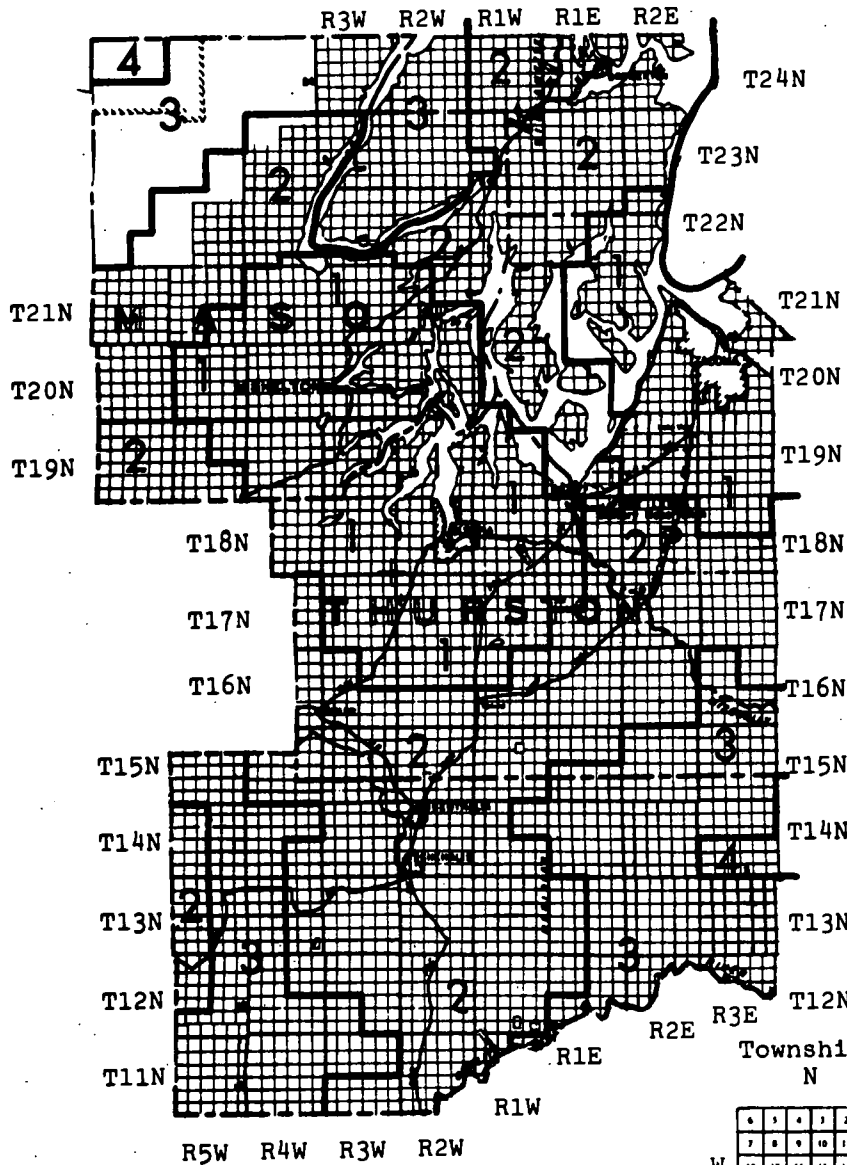
Page 1 of 3



HAULING DISTANCE ZONE MAP FOR 1/1/83 through 6/30/83
(WAC 458-40-18681)

STUMPAGE VALUE AREA 4

Page 2 of 3



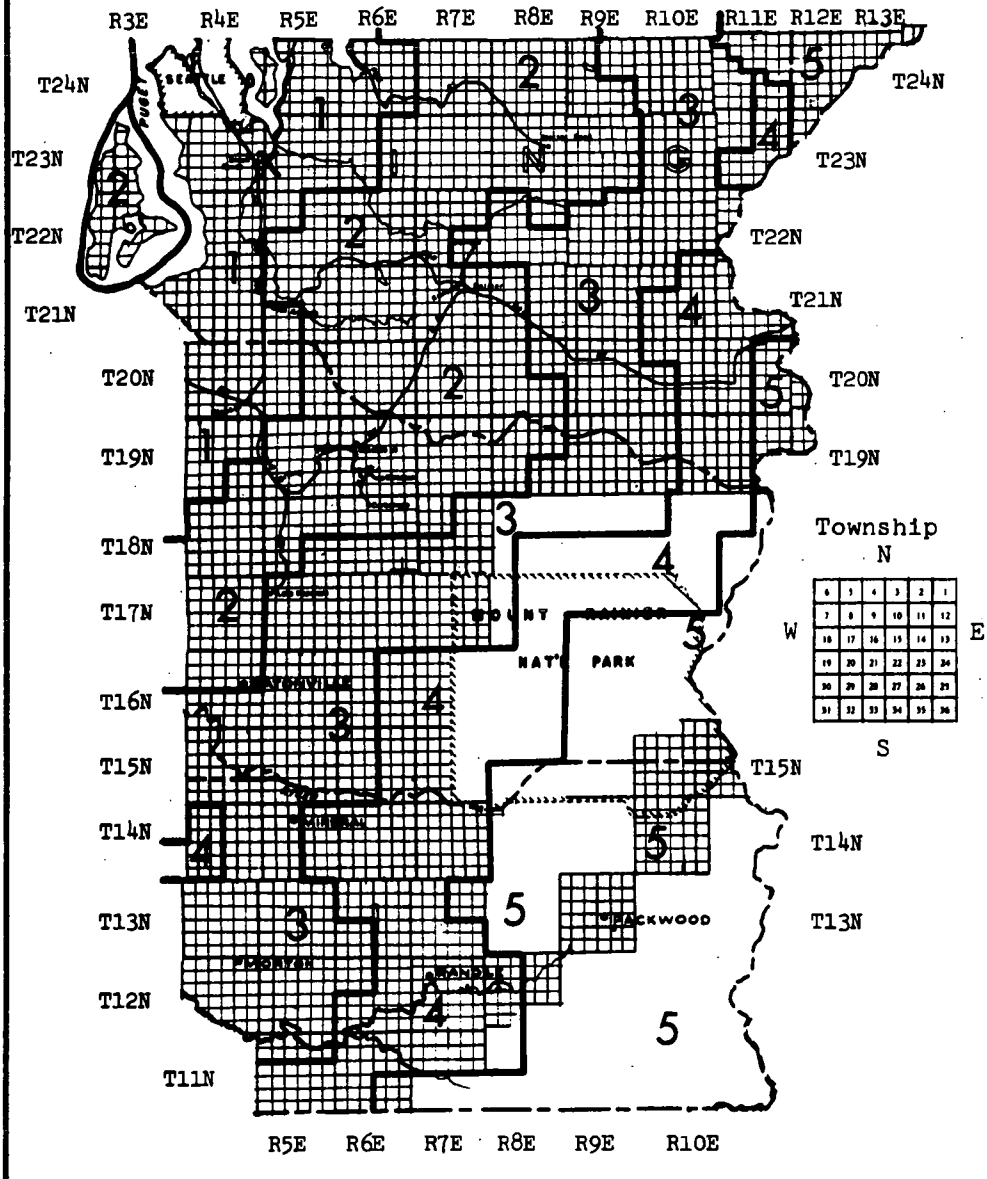
Legend:

1, 2, 3 and 4: Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR 1/1/83 through 6/30/83
(WAC 458-40-18681)

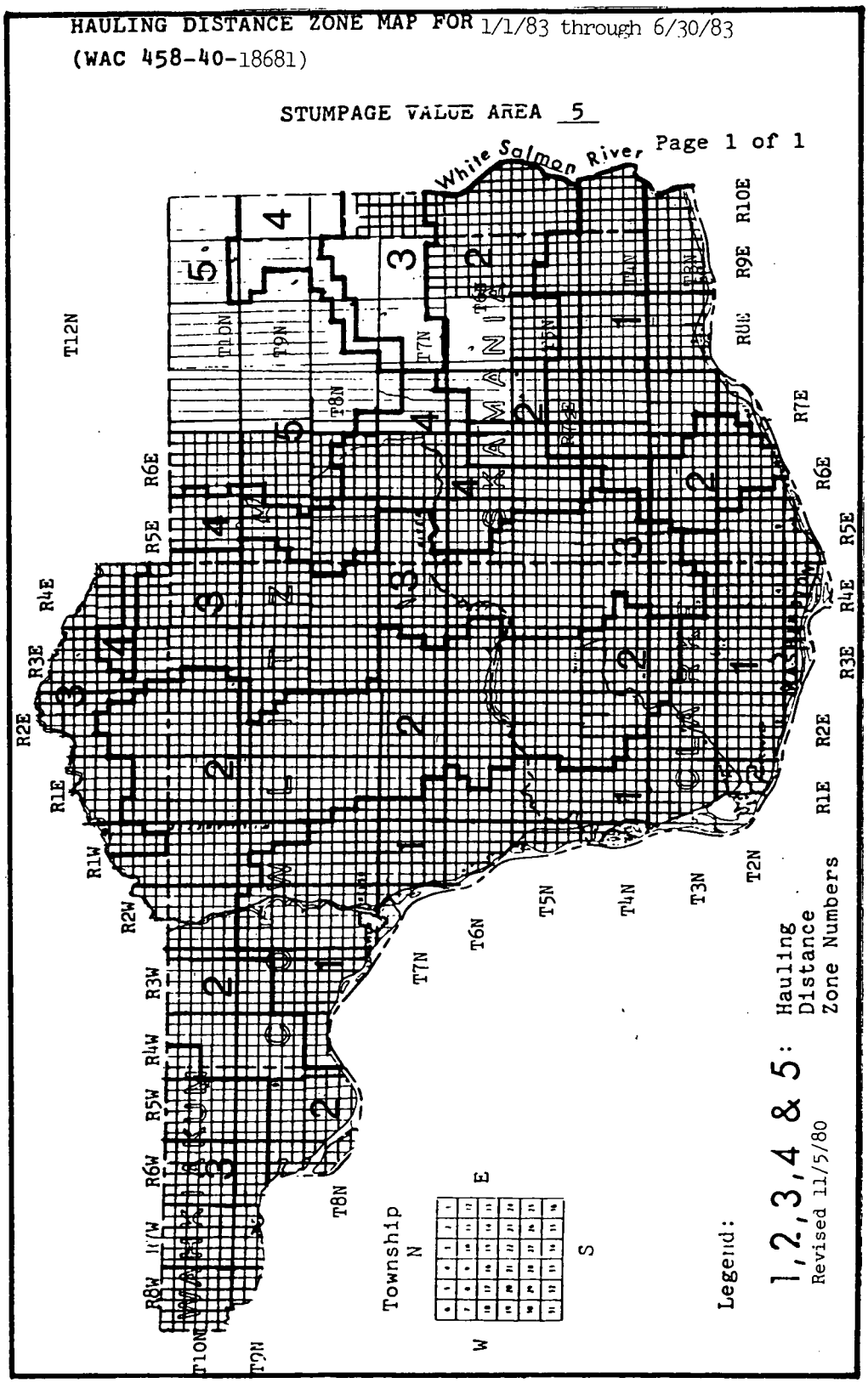
STUMPAGE VALUE AREA 4

Page 3 of 3



Legend:

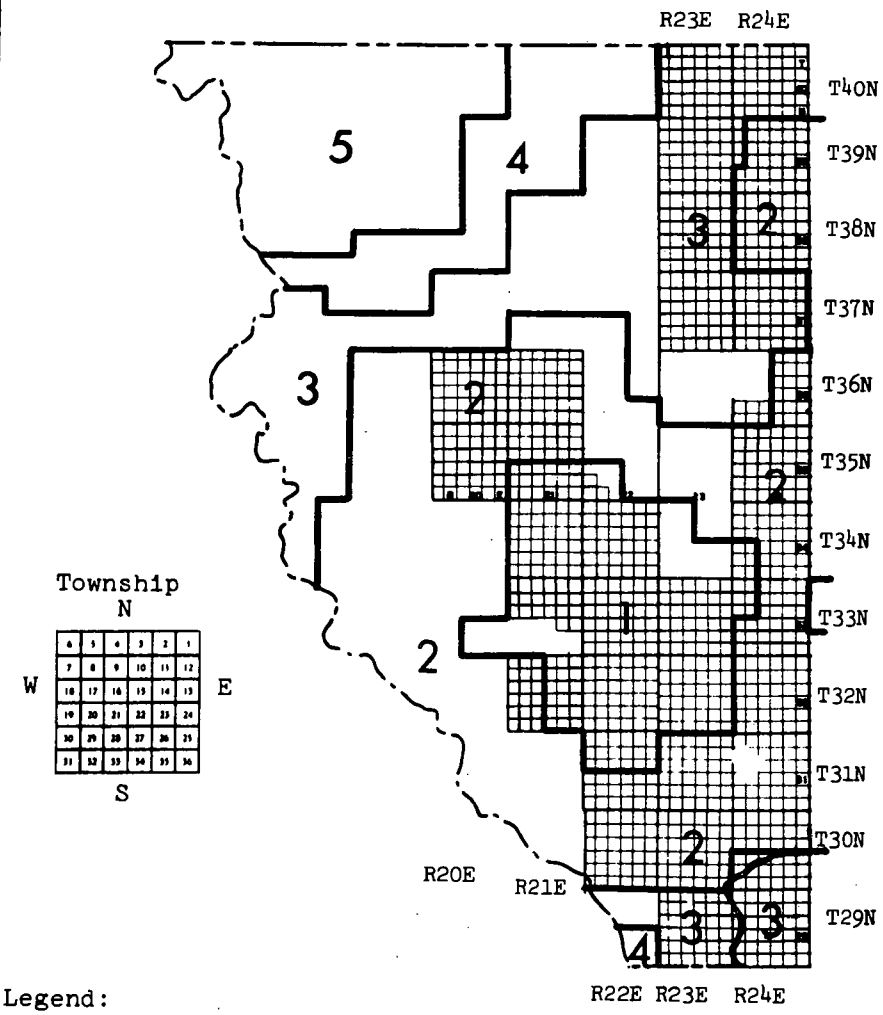
1, 2, 3, 4 and 5: Hauling Distance Zone Numbers


HAULING DISTANCE ZONE MAP FOR 1/1/83 through 6/30/83
(WAC 458-40-18681)
STUMPAGE VALUE AREA 5
Page 1 of 1
White Salmon River
Legend:
1, 2, 3, 4 & 5: Hauling Distance Zone Numbers
Revised 11/5/80
Township
N
S
E
W

HAULING DISTANCE ZONE MAP FOR 1/1/83 through 6/30/83
(WAC 458-40-186 81)

STUMPAGE VALUE AREA 6

Page 1 of 2



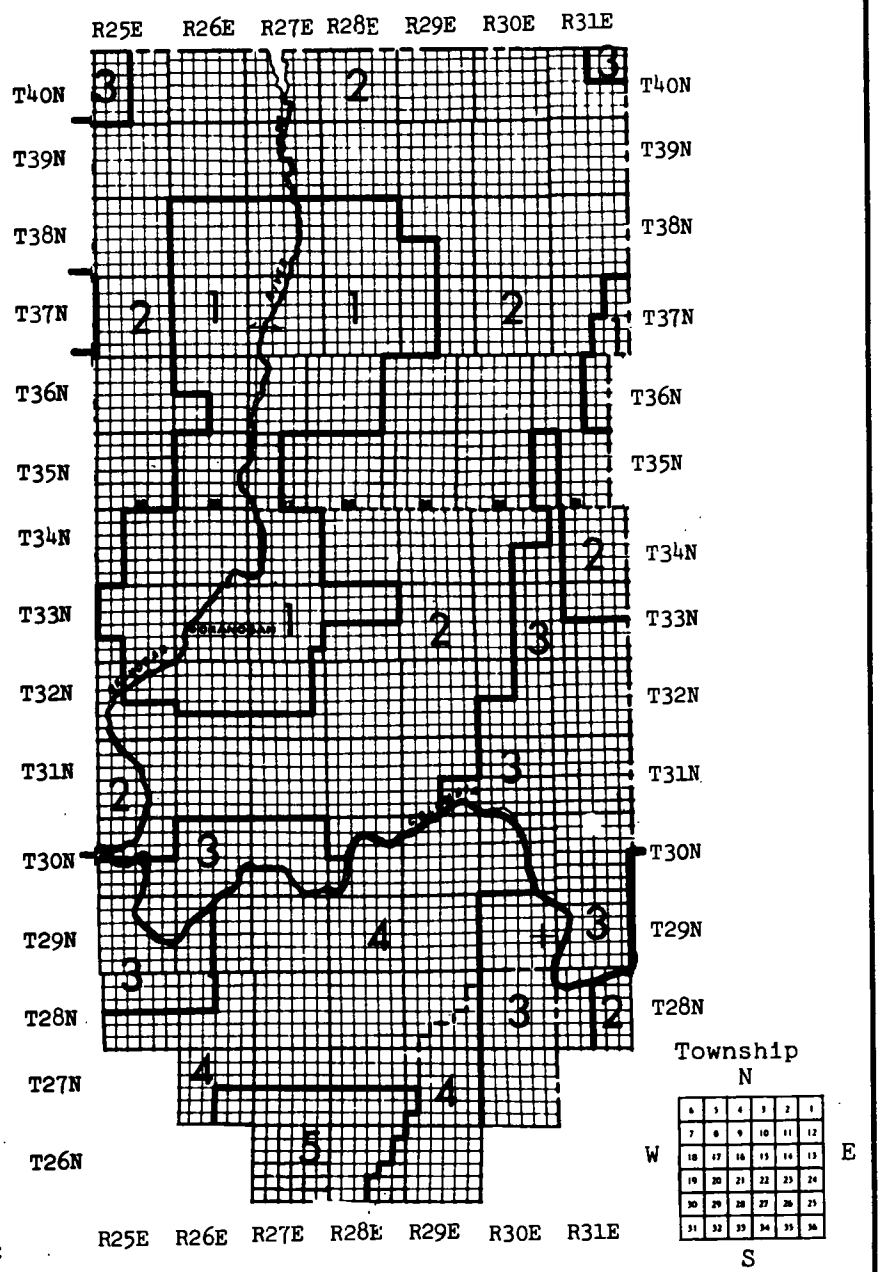
Legend:

1, 2, 3, 4 and 5: Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR 1/1/83 through 6/30/83
(WAC 458-40-18681)

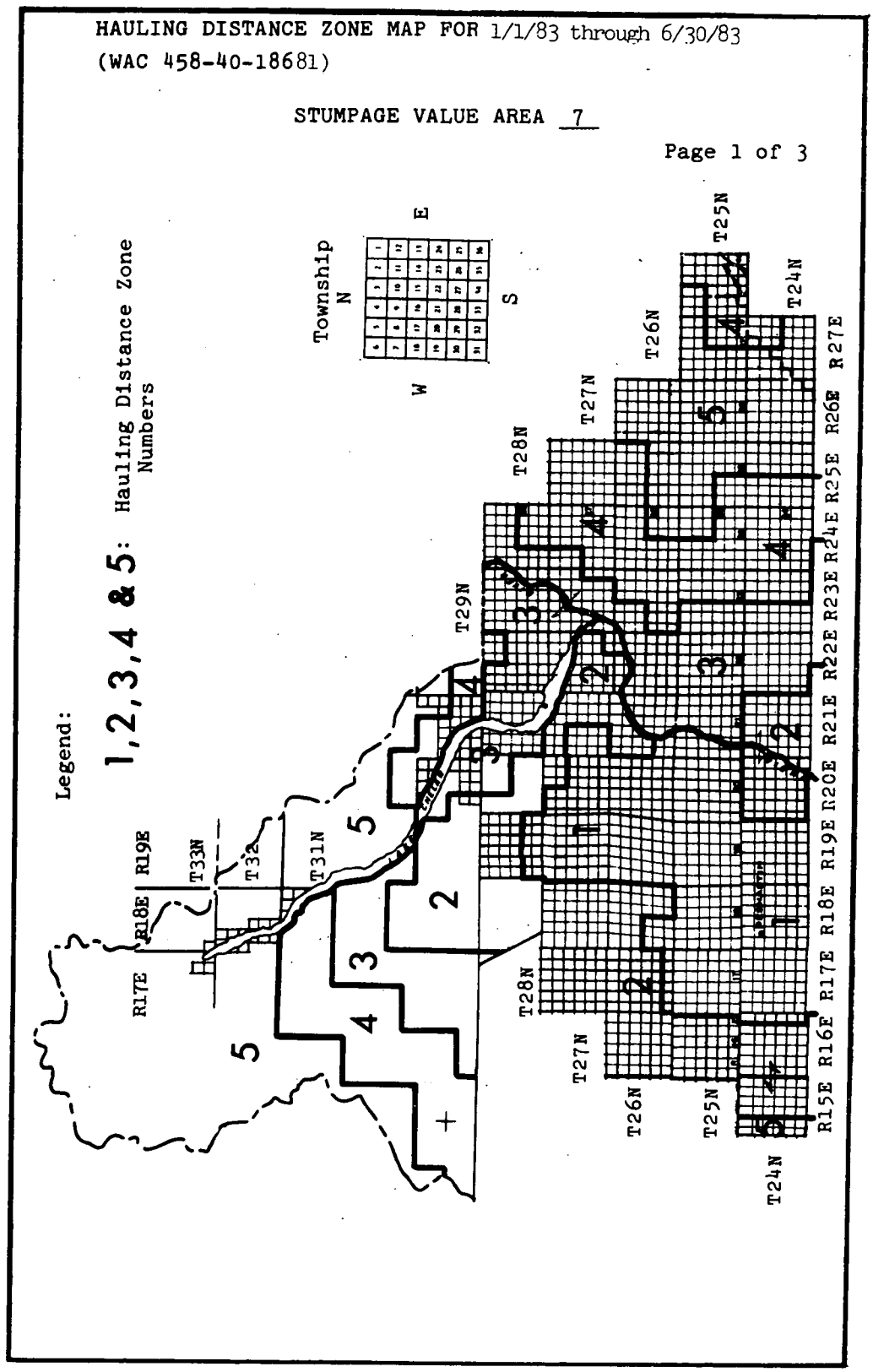
STUMPAGE VALUE AREA 6

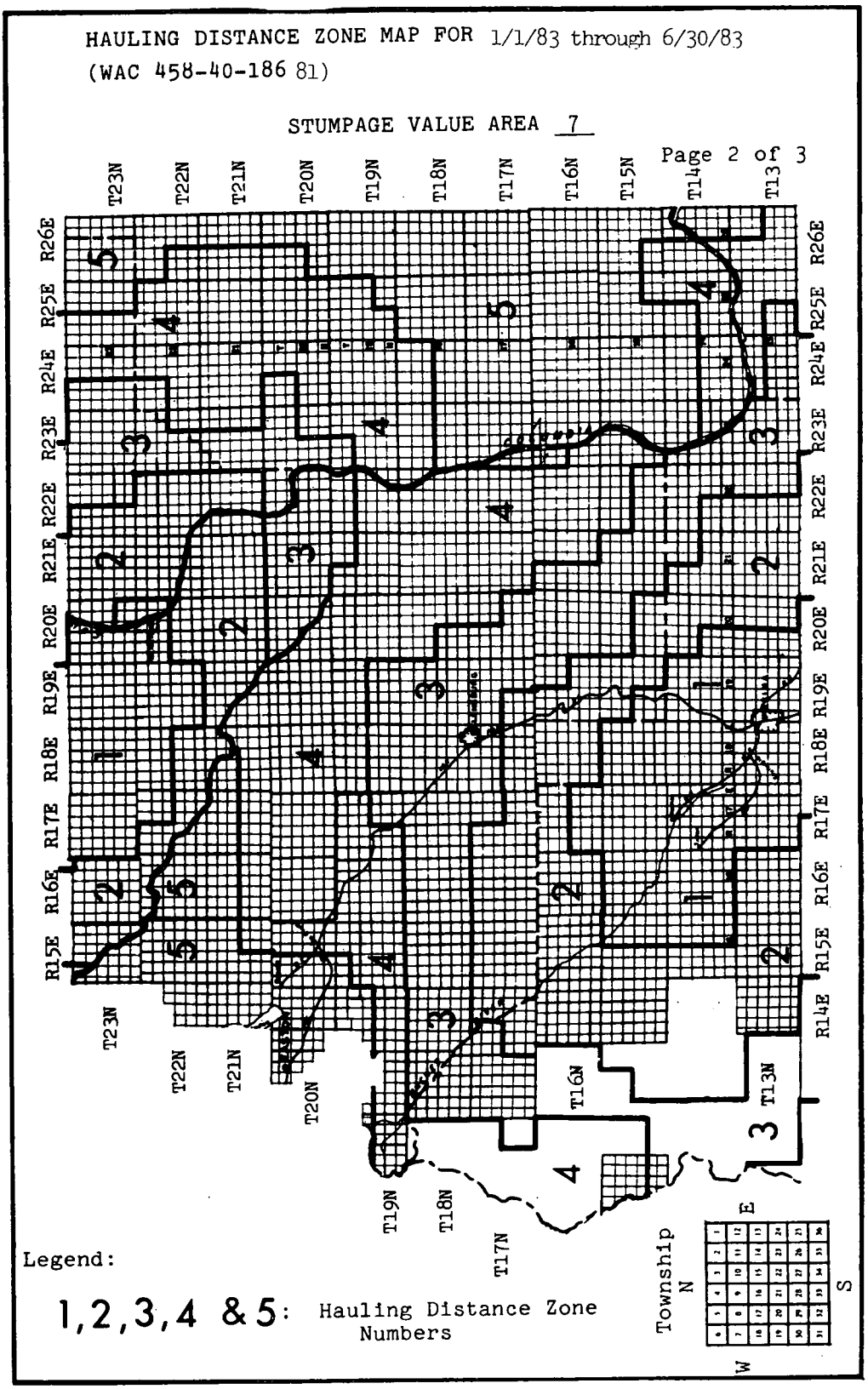
Page 2 of 2

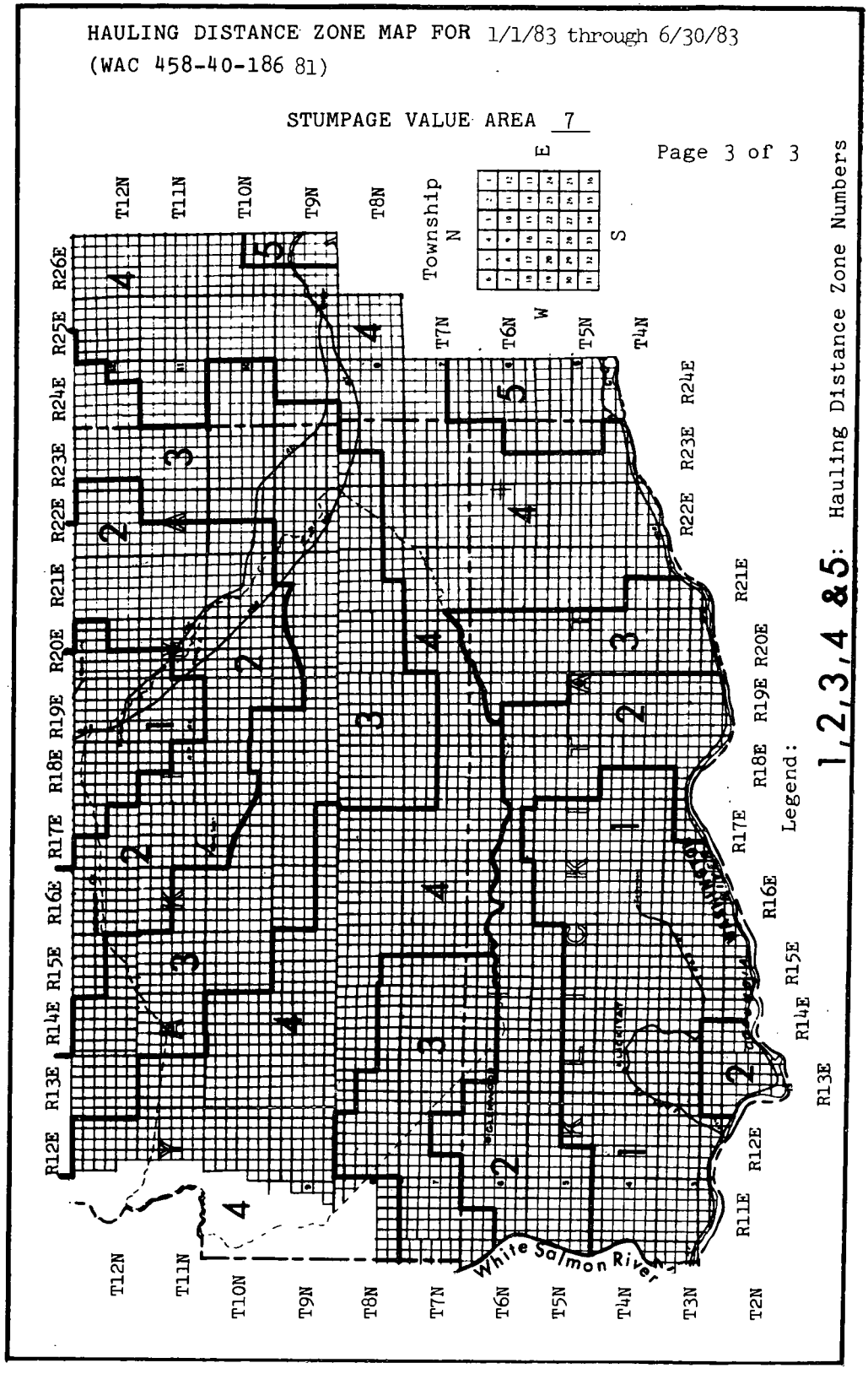


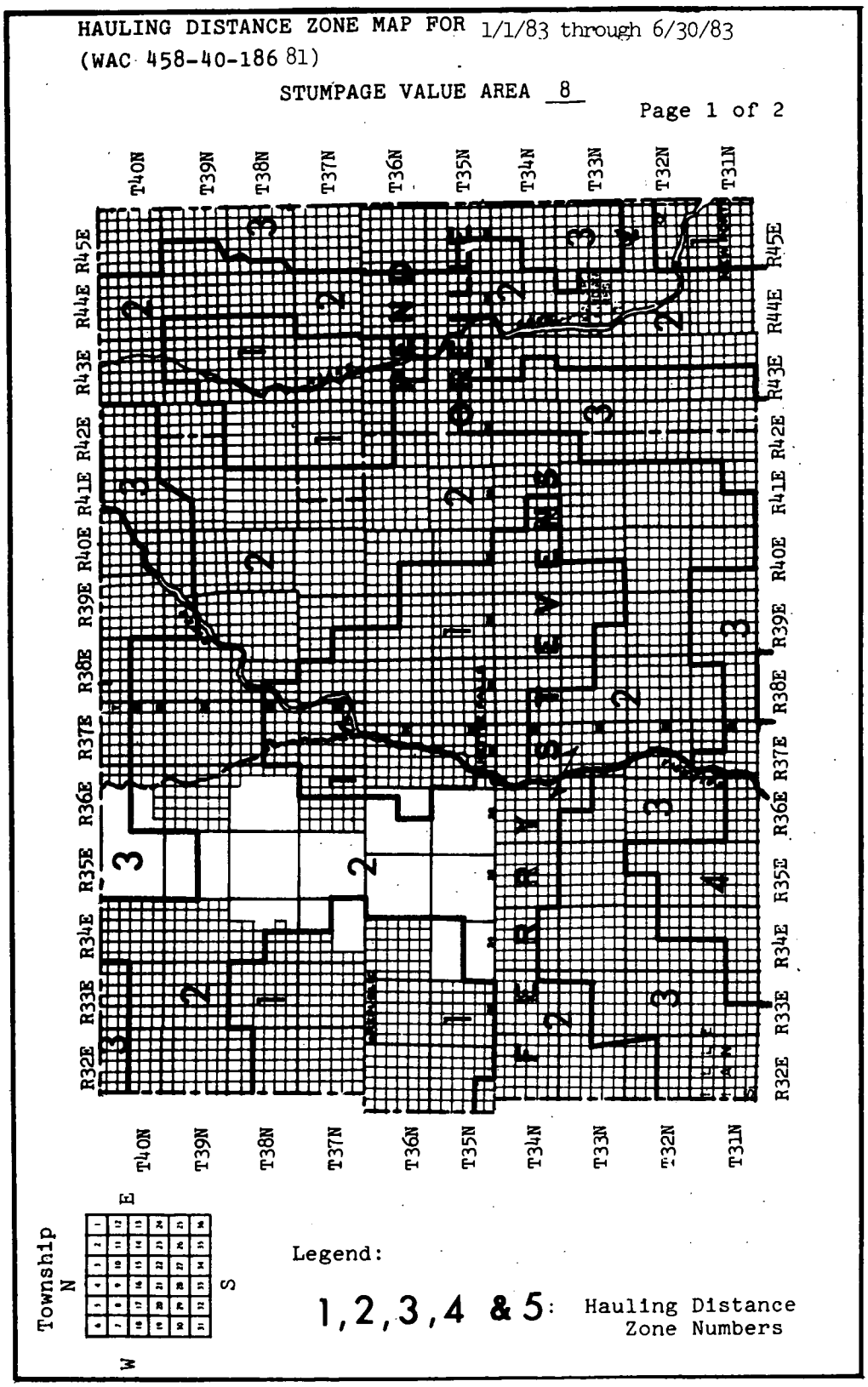
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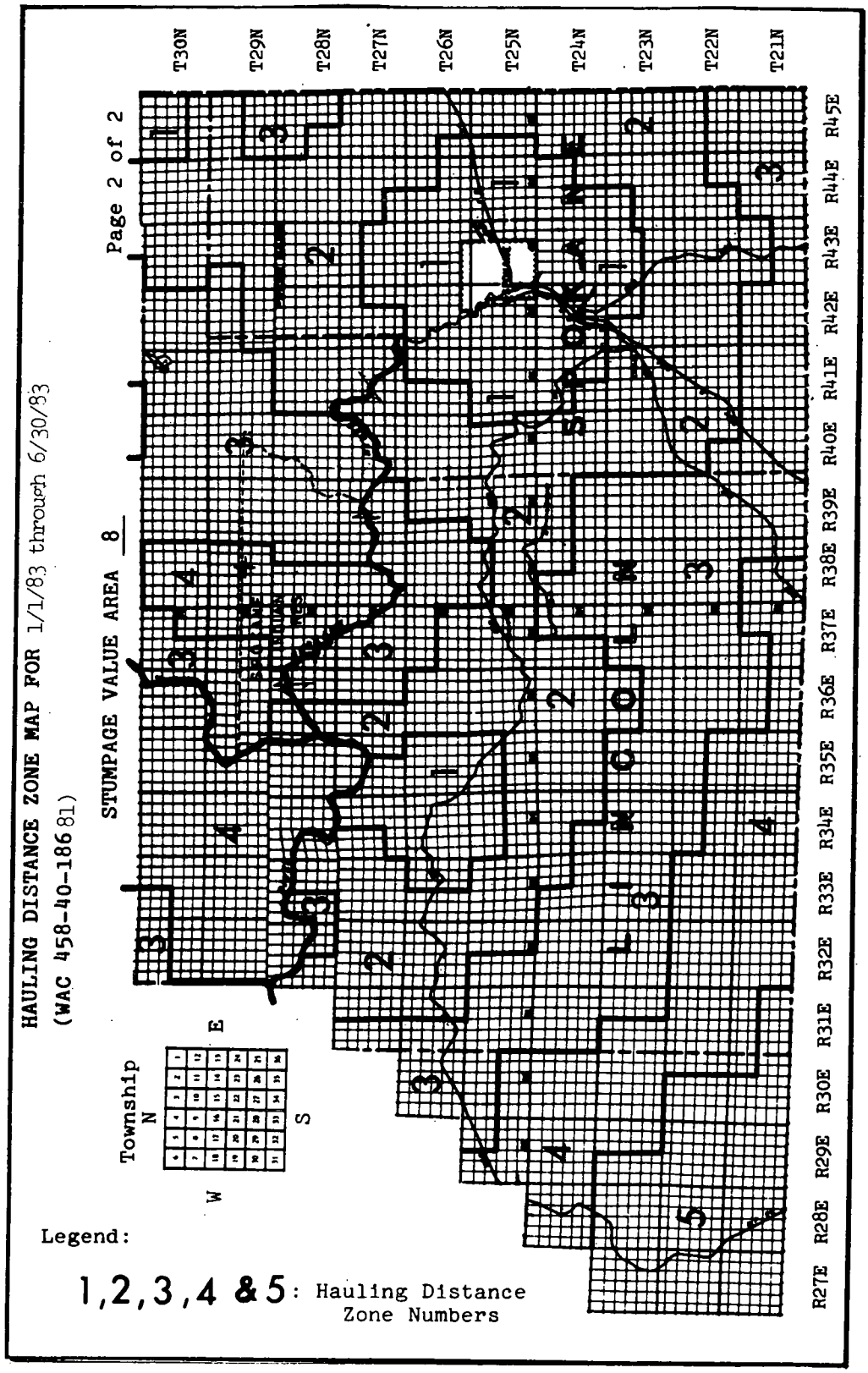
1, 2, 3, 4 and 5: Hauling Distance Zone Numbers


HAULING DISTANCE ZONE MAP FOR 1/1/83 through 6/30/83
(WAC 458-40-18681)
STUMPAGE VALUE AREA 7
Page 1 of 3
Township
N
S
E
W
Legend:
1,2,3,4 & 5: Hauling Distance Zone Numbers
T33N
T32
T31N
T29N
T28N
T27N
T26N
T25N
T24N
R19E
R18E
R17E
R15E R16E R17E R18E R19E R20E R21E R22E R23E R24E R25E R26E R27E


HAULING DISTANCE ZONE MAP FOR 1/1/83 through 6/30/83
(WAC 458-40-186 81)
STUMPAGE VALUE AREA 7
Page 2 of 3
T23N
T22N
T21N
T20N
T19N
T18N
T17N
T16N
T15N
T14N
T13N
R26E
R25E
R24E
R23E
R22E
R21E
R20E
R19E
R18E
R17E
R16E
R15E
R14E
Legend:
1,2,3,4 &5: Hauling Distance Zone Numbers
Township
N
S
E
W


HAULING DISTANCE ZONE MAP FOR 1/1/83 through 6/30/83
(WAC 458-40-186 81)
STUMPAGE VALUE AREA 7
Page 3 of 3
Township
N
S
E
W
T12N
T11N
T10N
T9N
T8N
T7N
T6N
T5N
T4N
T3N
T2N
R26E
R25E
R24E
R23E
R22E
R21E
R20E
R19E
R18E
R17E
R16E
R15E
R14E
R13E
R12E
R11E
White Salmon River
Legend:
1,2,3,4 &5: Hauling Distance Zone Numbers

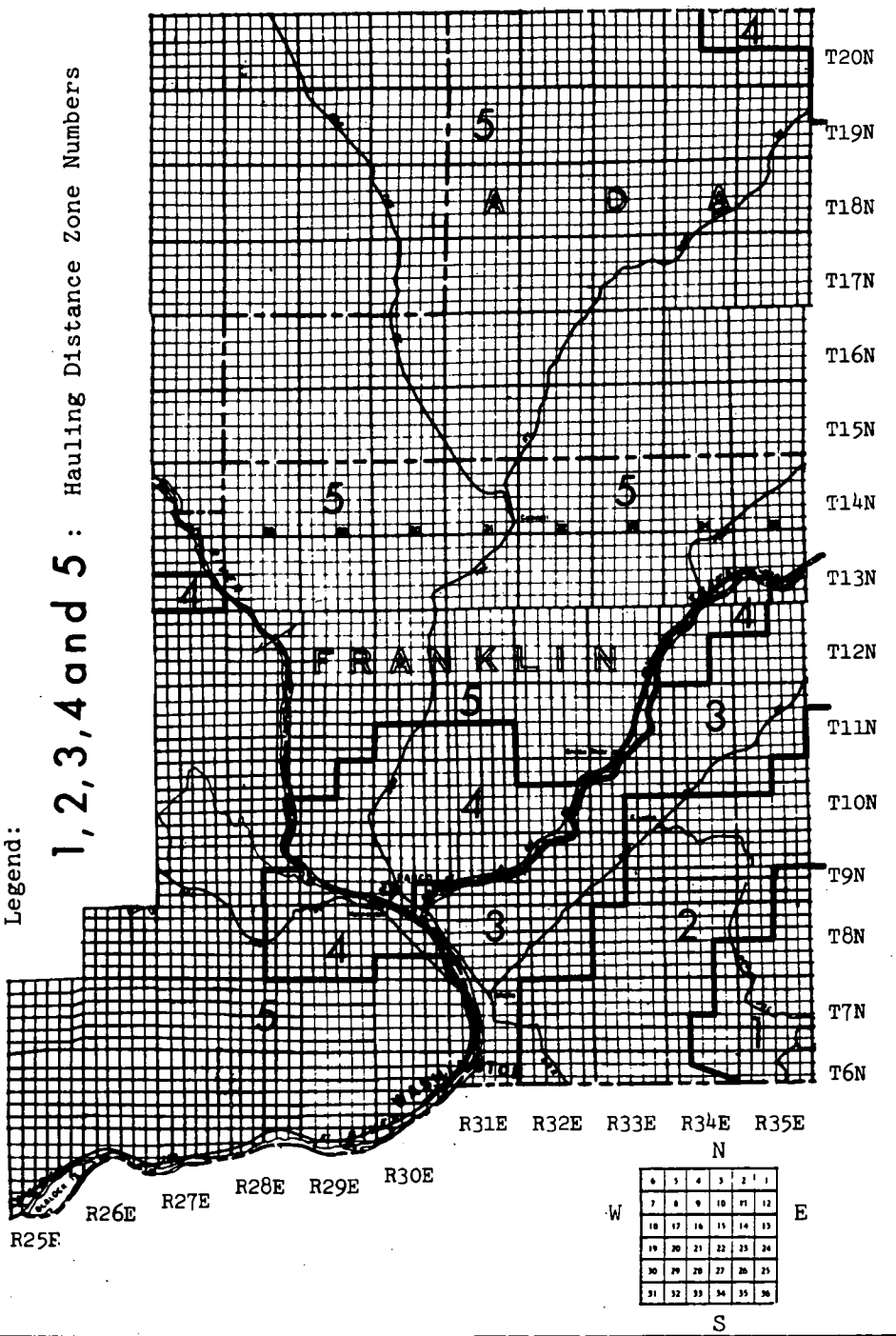

HAULING DISTANCE ZONE MAP FOR 1/1/83 through 6/30/83
(WAC 458-40-186 81)
STUMPAGE VALUE AREA 8
Page 1 of 2
T40N
T39N
T38N
T37N
T36N
T35N
T34N
T33N
T32N
T31N
R32E R33E R34E R35E R36E R37E R38E R39E R40E R41E R42E R43E R44E R45E
Township
N
S
E
W
Legend:
1,2,3,4 & 5: Hauling Distance Zone Numbers


HAULING DISTANCE ZONE MAP FOR 1/1/83 through 6/30/83
(WAC 458-40-18681)
STUMPAGE VALUE AREA 8
Page 2 of 2
T30N
T29N
T28N
T27N
T26N
T25N
T24N
T23N
T22N
T21N
R27E R28E R29E R30E R31E R32E R33E R34E R35E R36E R37E R38E R39E R40E R41E R42E R43E R44E R45E
Township
N
S
E
W
Legend:
1,2,3,4 & 5: Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR 1/1/83 through 6/30/83
(WAC 458-40-186 81)

STUMPAGE VALUE AREA 9

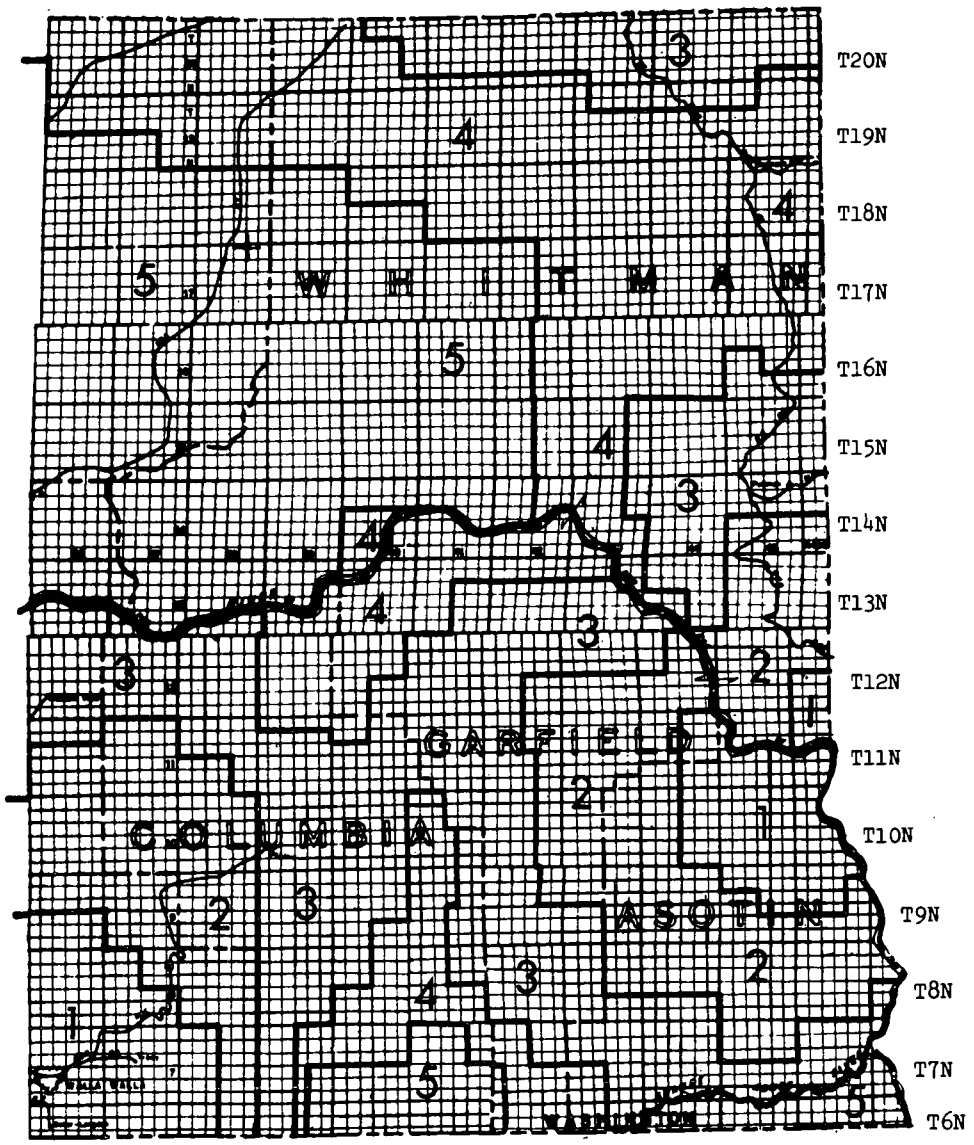
Page 1 of 2



HAULING DISTANCE ZONE MAP FOR 1/1/83 through 6/30/83
(WAC 458-40-18681)

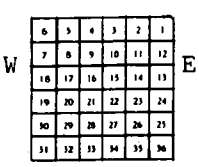
STUMPAGE VALUE AREA 9

Page 2 of 2



Legend:

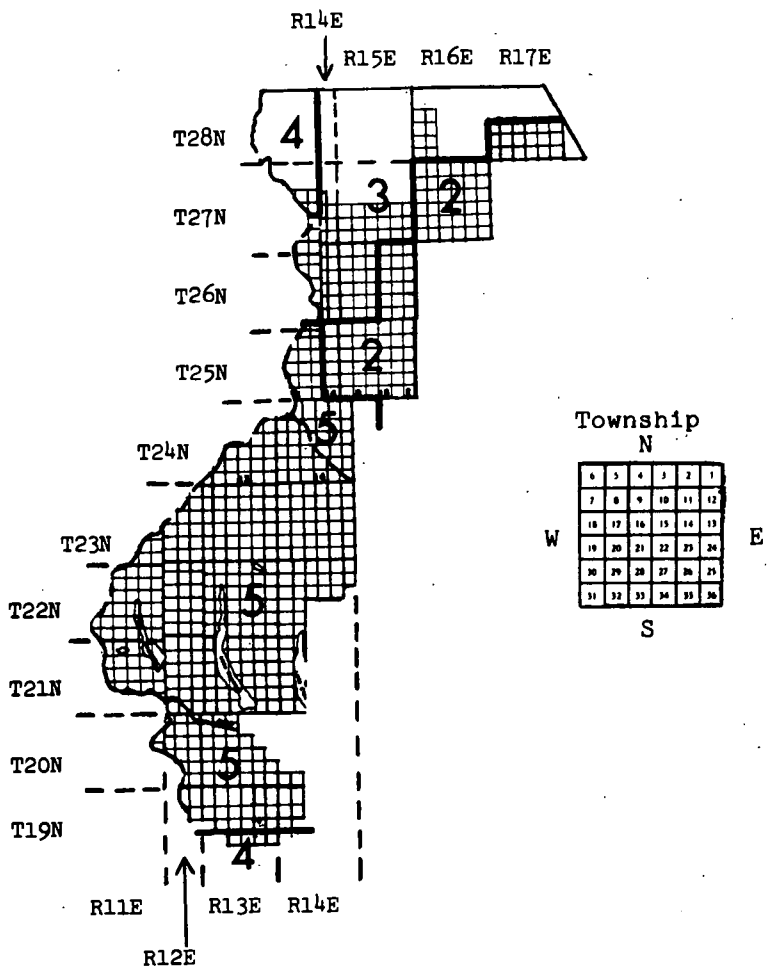
1, 2, 3, 4 and 5 : Hauling Distance Zone Numbers



HAULING DISTANCE ZONE MAP FOR 1/1/83 through 6/30/83
(WAC 458-40-18681)

STUMPAGE VALUE AREA 10

Page 1 of 1



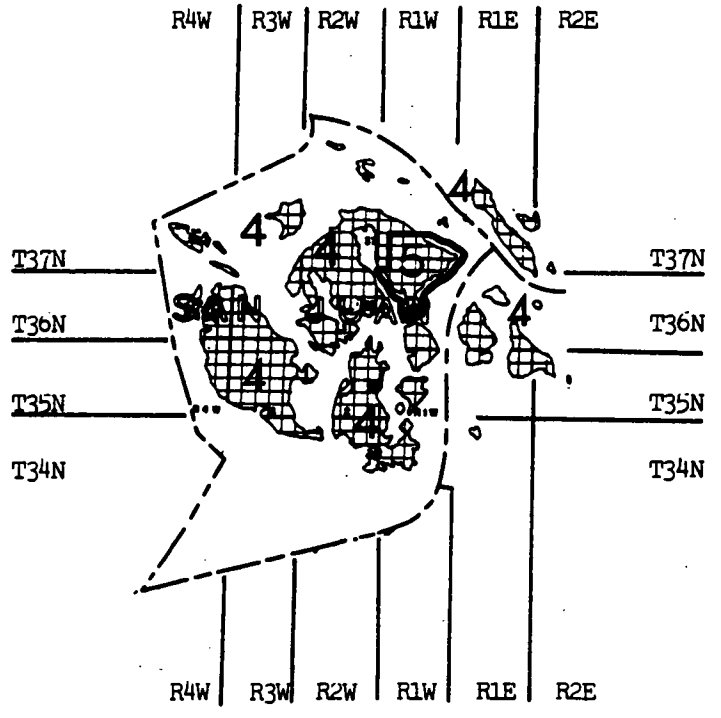
Legend:

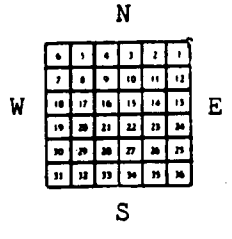
2,3,4 and 5: Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR 1/1/83 through 6/30/83
(WAC 458-40-186 81)

STUMPAGE VALUE AREA 11

Page 1 of 1





Legend:

4 and 5: Hauling Distance Zone Numbers

NEW SECTION

WAC 458-40-18682 TIMBER QUALITY CODE NUMBERS—TABLES FOR JANUARY 1 THROUGH JUNE 30, 1983. In order to allow for differences in age, size, quality of timber and other relevant factors as required by RCW 84.33.071(3), the department has assigned timber quality code numbers for harvests of the various designated harvest types and species.

Scaling and grading information derived from an acceptable log scaling and grading rule for the particular harvest type and species shall be used to determine the proper quality code number.

For each timber quality code number in the following tables, there is a corresponding timber quality code number for that particular harvest type and species in the stumpage value tables of WAC 458-40-18683 which is to be used in computing timber harvest value.

The following timber quality code tables are hereby adopted for use during the period of January 1 through June 30, 1983:

TABLE 1—TIMBER QUALITY CODE TABLE
STUMPAGE VALUE AREAS 1, 2, 3, 4, 5, AND 11
January 1 through June 30, 1983

OLD GROWTH FINAL HARVEST
(100 years of age or older)

Timber Quality Code Number	Species	Log Grade Specifications[1]
1	Douglas-fir	Over 40% Special Mill, No. 1 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	Over 20% Special Mill, No. 1 Sawmill, Peeler & better log grade
	Noble Fir & Spruce	Over 35% No. 1 Sawmill, Peeler or Select & better log grade
	Western Hemlock, True Firs & Other Conifer	Over 25% Special Mill, No. 1 Sawmill & better log grade
	Hardwoods	All No. 4 Sawmill logs with a diameter of 8 inches inside bark and larger (at the scaling end) & better log grades
2	Douglas-fir	15-40% inclusive Special Mill, No. 1 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	10-20% inclusive Special Mill, No. 1 Sawmill, Peeler & better log grade
	Noble Fir & Spruce	15-35% inclusive No. 1 Sawmill, Peeler or Select & better log grade
	Western Hemlock, True Firs & Other Conifer	5-25% inclusive Special Mill, No. 1 Sawmill & better log grade
3	Douglas-fir	Less than 15% Special Mill, No. 1 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	Less than 10% Special Mill, No. 1 Sawmill, Peeler & better log grade
	Noble Fir & Spruce	Less than 15% No. 1 Sawmill, Peeler or Select & better log grade
	Western Hemlock, True Firs & Other Conifer	Less than 5% Special Mill, No. 1 Sawmill & better log grade
5	Conifer Utility	All conifer logs graded as utility log grade
	Hardwood Utility	All No. 4 Sawmill log grade with a diameter of less than 8 inches inside bark (at the scaling end) and all hardwood logs graded as utility

[1] For detailed descriptions and definitions of log scaling and grading rules and procedures see the Official Log Scaling and Grading Rules revised January 1, 1980, published by Puget Sound Log Scaling and Grading Bureau. These are also used by the Columbia River and Grays Harbor Scaling and Grading Bureaus. To determine timber quality code number, see the example for Western Washington which follows Table 3.

TABLE 2—TIMBER QUALITY CODE TABLE
STUMPAGE VALUE AREAS 1, 2, 3, 4, 5, AND 11
January 1 through June 30, 1983

YOUNG GROWTH FINAL HARVEST
(Less than 100 years of age, but not including thinning)

Timber Quality Code Number	Species	Log Grade Specifications[1]
1	Douglas-fir	Over 70% No. 2. Sawmill & better log grade
	Western Redcedar & Alaska-cedar	Over 20% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	Over 70% No. 2 Sawmill & better log grade
	Hardwoods	All No. 4 Sawmill logs with a diameter of 8 inches inside bark and larger (at the scaling end) & better log grades
2	Douglas-fir	40-70% inclusive No. 2 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	5-20% inclusive No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	40-70% inclusive No. 2 Sawmill & better log grade
3	Douglas-fir	5% to but not including 40% No. 2 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	Less than 5% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	5% to but not including 40% No. 2 Sawmill & better log grade
4	Douglas-fir, Western Hemlock & Other Conifer, except Western Redcedar & Alaska-cedar	Less than 5% No. 2 Sawmill & better log grade
5	Conifer Utility	All conifer logs graded as utility log grade
	Hardwood Utility	All No. 4 Sawmill log grade with a diameter of less than 8 inches inside bark (at the scaling end) and all hardwood logs graded as utility

[1] For detailed descriptions and definitions of log scaling and grading rules and procedures see the Official Log Scaling and Grading Rules revised January 1, 1980, published by Puget Sound Log Scaling and Grading Bureau. These are also used by the Columbia River and Grays Harbor Scaling and Grading Bureaus. To determine timber quality code number, see the example for Western Washington which follows Table 3.

TABLE 3—TIMBER QUALITY CODE TABLE
STUMPAGE VALUES AREAS 1, 2, 3, 4, 5, AND 11
January 1 through June 30, 1983

THINNING
See definition WAC 458-40-18679(9)(d)

Timber Quality Code Number	Species	Log Grade Specifications[1]
1	Douglas-fir	Over 70% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	Over 70% No. 2 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	Over 20% No. 2 Sawmill & better log grade
	Hardwoods	All No. 4 Sawmill logs with a diameter of 8 inches inside bark and larger (at the scaling end) & better log grades
2	Douglas-fir	40-70% inclusive No. 2 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	5-20% inclusive No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	40-70% inclusive No. 2 Sawmill & better log grade
3	Douglas-fir	5% to but not including 40% No. 2 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	Less than 5% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	5% to but not including 40% No. 2 Sawmill & better log grade
4	Douglas-fir, Western Hemlock & Other Conifer	Less than 5% No. 2 Sawmill & better log grade
5	Conifer Utility	All conifer logs graded as utility log grade
	Hardwood Utility	All No. 4 Sawmill log grade with a diameter of less than 8 inches inside bark (at the scaling end) and all hardwood logs graded as utility

[1]For detailed descriptions and definitions of log scaling rules and procedures see the Official Log Scaling and Grading Rules revised January 1, 1980, published by the Puget Sound Log Scaling and Grading Bureau. These are also used by the Columbia River and Grays Harbor Scaling and Grading Bureaus. To determine timber quality code number for Western Washington, see the following example.

WESTERN WASHINGTON EXAMPLE: The following example is for determining the timber quality number code for timber harvested in stumpage value areas 1, 2, 3, 4, 5, and 11 in Western Washington. The following method can be used to determine the quality code number for species in "old growth final harvest", "young growth final harvest", and "thinning harvest" types.

The example shown below is for a harvest of 150 thousand board feet (150 MBF) of the species, Douglas-fir, and the harvest type, young growth final harvest, with the following volumes at the indicated grades:

Log Grade	Net Volume, Scribner Scale
Special Mill	20 MBF
No. 1 sawmill	20 MBF
No. 2 sawmill	45 MBF
No. 3 sawmill	35 MBF
No. 4 sawmill	30 MBF
TOTAL	150 MBF

To determine the proper quality code number, add the scale volumes for the grades as established by the approved grading rule. Divide this volume by the total volume harvested for the species. In this example, the Special Mill and the No. 1 and 2 sawmill logs account for 85 MBF of the 150 MBF Douglas-fir harvested. Divide as follows:

$$\frac{20 + 20 + 45}{150} \text{ or } \frac{85}{150} = .567 \times 100 = 56.7\%$$

In this example, the Special Mill, No. 1 and 2 sawmill logs make up 56.7% of the Douglas-fir harvested. Since this is between 40 and 70% No. 2 sawmill and better, the entire Douglas-fir harvested would be reported as:

Species	Timber Quality Code Number	Net Volume Harvested
Douglas-fir	2	150 MBF

TABLE 4—TIMBER QUALITY CODE TABLE
STUMPAGE VALUE AREAS 6, 7, 8, AND 9
January 1 through June 30, 1983

MERCHANTABLE SAWTIMBER, ALL AGES

Timber Quality Code Number	Species	Log Grade Specifications[1]
1	Ponderosa Pine	Less than 10 logs 16 feet long per thousand board feet Scribner scale
	All Conifers Other than Ponderosa Pine	All log sizes
	Hardwoods	Sawlogs only
2	Ponderosa Pine	10 or more logs 16 feet long per thousand board feet Scribner scale
4	Utility	All logs graded as utility

[1]To determine timber quality code number in Stumpage Value Areas 6, 7, 8 and 9 for Eastern Washington, see the following example.

EASTERN WASHINGTON EXAMPLE: The following example is for determining the timber quality code for timber harvested in stumpage value areas 6, 7, 8 and 9 in Eastern Washington.

The example shown below is for a harvest of 150 thousand board feet (150 MBF) of the species, Ponderosa Pine, and harvest type merchantable sawtimber, all ages with a sum total log length of 19,200 feet.

Step 1. The highest possible number of sawable sixteen foot logs which could be recovered is determined by dividing the sum total length of all sawable logs harvested (i.e. 19,200) by 16. Answer: 1200 logs.

Step 2. The average net volume per sixteen foot recoverable log is determined by dividing the total volume harvested (150 MBF) by the number of sixteen foot logs (1200). Answer: 125.

Step 3. The total number of logs per thousand board feet is determined by dividing 1000 by the average net volume per sixteen foot recoverable log (125). Answer: 8 logs per 1 MBF.

Step 4. Because the timber quality code table lists less than 10 logs per 1 MBF for Ponderosa pine as timber quality code number 1, the harvest was at 8 logs per 1

MBF the entire Ponderosa pine harvest would be reported as:

Species	Timber Quality Code Number	Volume Harvested
Ponderosa Pine (PP)	1	150 MBF

TABLE 5—TIMBER QUALITY CODE TABLE
STUMPAGE VALUE AREA 10
January 1 through June 30, 1983

MERCHANTABLE SAWTIMBER, ALL AGES

Timber Quality Code Number	Species	Log Grade Specifications[1]
1	Ponderosa Pine & Other Conifers	Less than 5 logs 16 feet long per MBF net log Scribner scale
	Hardwoods	All logs graded as sawlogs
2	Ponderosa Pine	5 to 9 logs inclusive 16 feet long per MBF net log Scribner scale
	Other Conifer	5 to 12 logs inclusive 16 feet long per MBF net log scale
3	Ponderosa Pine	More than 9 logs 16 feet long per MBF net log Scribner scale
	Other Conifer	More than 12 logs 16 feet long per MBF net log Scribner scale
4	Utility	All logs graded as utility

[1]To determine timber quality code number in Stumpage Value Area 10 in Eastern Washington, see the following example.

EASTERN WASHINGTON EXAMPLE: The following example is for determining the timber quality code for timber harvested in stumpage value area 10 in Eastern Washington.

The example shown below is for a harvest of 150 thousand board feet (150 MBF) of the species, Ponderosa Pine, and harvest type merchantable sawtimber, all ages with a sum total log length of 19,200 feet.

Step 1. The highest possible number of sawable sixteen foot logs which could be recovered is determined by dividing the sum total length of all sawable logs harvested (i.e. 19,200) by 16. Answer: 1200 logs.

Step 2. The average net volume per sixteen foot recoverable log is determined by dividing the total volume harvested (150 MBF) by the number of sixteen foot logs (1200). Answer: 125.

Step 3. The total number of logs per thousand board feet is determined by dividing 1000 by the average net volume per sixteen foot recoverable log (125). Answer: 8 logs per 1 MBF.

Step 4. Because the timber quality code table lists 5–9 logs per 1 MBF for Ponderosa pine as timber quality code number 2, the harvest was at 8 logs per 1 MBF the entire Ponderosa pine harvest would be reported as:

Species	Timber Quality Code Number	Volume Harvested
Ponderosa Pine (PP)	2	150 MBF

NEW SECTION

WAC 458-40-18683 STUMPAGE VALUES—TABLES FOR JANUARY 1 THROUGH JUNE 30, 1983. As required by RCW 84.33.071 the department has prepared tables which assign stumpage value rates for the various harvest types, which rates vary depending upon the stumpage value area, species, timber quality code number and hauling distance zone involved. Where the timber harvested is used to produce harvest type "special forest products" the value tables of this section shall establish the values for such special forest products.

The following stumpage value and special forest product value tables are hereby adopted for use during the period of January 1 through June 30, 1983.

TABLE 1—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 1
January 1 through June 30, 1983

OLD GROWTH FINAL HARVEST
(100 years of age or older)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Douglas-fir	DF	1	$184	$178	$172	$166	$160
		2	133	127	121	115	109
		3	111	105	99	93	87
Western Hemlock[2]	WH	1	132	126	120	114	108
		2	97	91	85	79	73
		3	81	75	69	63	57
True Fir[3]	TF	1	132	126	120	114	108
		2	97	91	85	79	73
		3	81	75	69	63	57
Western Redcedar[4]	RC	1	186	180	174	168	162
		2	135	129	123	117	111
		3	113	107	101	95	89
Sitka Spruce	SS	1	214	208	202	196	190
		2	155	149	143	137	131
		3	129	123	117	111	105
Other Conifer	OC	1	132	126	120	114	108
		2	97	91	85	79	73
		3	81	75	69	63	57
Red Alder	RA	1	37	30	23	16	9
Cottonwood	BC	1	25	18	11	4	1
Other Hardwoods	OH	1	33	26	19	12	5
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	18	18	18	18	18

[1]Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
[2]Includes Western and Mountain Hemlock.
[3]Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
[4]Includes Alaska-cedar.

TABLE 2—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 1
January 1 through June 30, 1983

YOUNG GROWTH FINAL HARVEST
(Less than 100 years of age, but not including thinning)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Douglas-fir	DF	1	$173	$166	$159	$152	$145
		2	126	119	112	105	98
		3	105	98	91	84	77
		4	95	88	81	74	67
Western Hemlock[2]	WH	1	126	119	112	105	98
		2	93	86	79	72	65
		3	79	72	65	58	51
		4	70	63	56	49	42
True Fir[3]	TF	1	126	119	112	105	98
		2	93	86	79	72	65
		3	79	72	65	58	51
		4	70	63	56	49	42
Western Redcedar[4]	RC	1	164	157	150	143	136
		2	120	113	106	99	92
		3	101	94	87	80	73
Other Conifer	OC	1	126	119	112	105	98
		2	93	86	79	72	65
		3	79	72	65	58	51
		4	70	63	56	49	42
Red Alder	RA	1	37	30	23	16	9
Cottonwood	BC	1	25	18	11	4	1
Other Hardwoods	OH	1	33	26	19	12	5
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	18	18	18	18	18

[1]Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
[2]Includes Western and Mountain Hemlock.
[3]Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
[4]Includes Alaska-cedar.

TABLE 3—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 1
January 1 through June 30, 1983

THINNING
See definition WAC 458-40-18679(9)(d)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Douglas-fir	DF	1	$148	$141	$134	$127	$120
		2	101	94	87	80	73
		3	80	73	66	59	52
		4	70	63	56	49	42
Western Hemlock[2]	WH	1	101	94	87	80	73
		2	68	61	54	47	40
		3	54	47	40	33	26
		4	45	38	31	24	17

TABLE 3—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
True Fir[3]	TF	1	101	94	87	80	73
		2	68	61	54	47	40
		3	54	47	40	33	26
		4	45	38	31	24	17
Western Redcedar[4]	RC	1	139	132	125	118	111
		2	95	88	81	74	67
		3	76	69	62	55	48
Other Conifer	OC	1	101	94	87	80	73
		2	68	61	54	47	40
		3	54	47	40	33	26
		4	45	38	31	24	17
Red Alder	RA	1	37	30	23	16	9
Cottonwood	BC	1	25	18	11	4	1
Other Hardwoods	OH	1	33	26	19	12	5
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	18	18	18	18	18

[1]Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
[2]Includes Western and Mountain Hemlock.
[3]Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
[4]Includes Alaska-cedar.

TABLE 4—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 1
January 1 through June 30, 1983

SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Western Redcedar-Shake Blocks & Boards[1]	RCS	1	$186	$180	$174	$168	$162
Western Redcedar Flatsawn & Shingle Blocks[1]	RCF	1	70	64	58	52	46
Western Redcedar & Other Posts[2]	RCP	1	0.20	0.20	0.20	0.20	0.20
Douglas-fir Christmas Trees[3]	DFX	1	0.15	0.15	0.15	0.15	0.15
True Fir & Other Christmas Trees[3]	TFX	1	0.35	0.35	0.35	0.35	0.35

[1]Stumpage value per MBF net Scribner Scale. See conversion method table 2 WAC 458-40-19004.
[2]Stumpage value per 8 lineal feet or portion thereof.
[3]Stumpage value per lineal foot.

TABLE 5—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 2
January 1 through June 30, 1983

OLD GROWTH FINAL HARVEST
(100 years of age or older)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Douglas-fir	DF	1	$227	$221	$215	$209	$203
		2	164	158	152	146	140
		3	136	130	124	118	112
Western Hemlock[2]	WH	1	166	160	154	148	142
		2	121	115	109	103	97
		3	101	95	89	83	77
True Fir[3]	TF	1	166	160	154	148	142
		2	121	115	109	103	97
		3	101	95	89	83	77
Western Redcedar[4]	RC	1	210	204	198	192	186
		2	152	146	140	134	128
		3	126	120	114	108	102
Sitka Spruce	SS	1	214	208	202	196	190
		2	155	149	143	137	131
		3	129	123	117	111	105
Other Conifer	OC	1	166	160	154	148	142
		2	121	115	109	103	97
		3	101	95	89	83	77
Red Alder	RA	1	37	30	23	16	9
Cottonwood	BC	1	25	18	11	4	1
Other Hardwoods	OH	1	33	26	19	12	5
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	18	18	18	18	18

[1]Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
[2]Includes Western and Mountain Hemlock.
[3]Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
[4]Includes Alaska-cedar.

TABLE 6—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 2
January 1 through June 30, 1983

YOUNG GROWTH FINAL HARVEST
(Less than 100 years of age, but not including thinning)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Douglas-fir	DF	1	$217	$210	$203	$196	$189
		2	157	150	143	136	129
		3	131	124	117	110	103
		4	115	108	101	94	87
Western Hemlock[2]	WH	1	121	114	107	100	93
		2	90	83	76	69	62
		3	76	69	62	55	48
		4	67	60	53	46	39
True Fir[3]	TF	1	121	114	107	100	93
		2	90	83	76	69	62
		3	76	69	62	55	48
		4	67	60	53	46	39

TABLE 6—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Western Redcedar[4]	RC	1	164	157	150	143	136
		2	120	113	106	99	92
		3	101	94	87	80	73
Other Conifer	OC	1	121	114	107	100	93
		2	90	83	76	69	62
		3	76	69	62	55	48
		4	67	60	53	46	39
Red Alder	RA	1	37	30	23	16	9
Cottonwood	BC	1	25	18	11	4	1
Other Hardwoods	OH	1	33	26	19	12	5
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	18	18	18	18	18

[1]Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
[2]Includes Western and Mountain Hemlock.
[3]Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
[4]Includes Alaska-cedar.

TABLE 7—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 2
January 1 through June 30, 1983

THINNING
See definition WAC 458-40-18679(9)(d)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Douglas-fir	DF	1	$192	$185	$178	$171	$164
		2	132	125	118	111	104
		3	106	99	92	85	78
		4	90	83	76	69	62
Western Hemlock[2]	WH	1	96	89	82	75	68
		2	65	58	51	44	37
		3	51	44	37	30	23
		4	42	35	28	21	14
True Fir[3]	TF	1	96	89	82	75	68
		2	65	58	51	44	37
		3	51	44	37	30	23
		4	42	35	28	21	14
Western Redcedar[4]	RC	1	139	132	125	118	111
		2	95	88	81	74	67
		3	76	69	62	55	48
Other Conifer	OC	1	96	89	82	75	68
		2	65	58	51	44	37
		3	51	44	37	30	23
		4	42	35	28	21	14
Red Alder	RA	1	37	30	23	16	9
Cottonwood	BC	1	25	18	11	4	1
Other Hardwoods	OH	1	33	26	19	12	5
Hardwood Utility	HU	5	5	5	5	5	5

TABLE 7—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Conifer Utility	CU	5	18	18	18	18	18

[1]Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
[2]Includes Western and Mountain Hemlock.
[3]Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
[4]Includes Alaska-cedar.

TABLE 8—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 2
January 1 through June 30, 1983
SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Western Redcedar-Shake Blocks & Boards[1]	RCS	1	$186	$180	$174	$168	$162
Western Redcedar Flatsawn & Shingle Blocks[1]	RCF	1	70	64	58	52	46
Western Redcedar & Other Posts[2]	RCP	1	0.20	0.20	0.20	0.20	0.20
Douglas-fir Christmas Trees[3]	DFX	1	0.15	0.15	0.15	0.15	0.15
True Fir & Other Christmas Trees[3]	TFX	1	0.35	0.35	0.35	0.35	0.35

[1]Stumpage value per MBF net Scribner Scale. See conversion method table 2 WAC 458-40-19004.
[2]Stumpage value per 8 lineal feet or portion thereof.
[3]Stumpage value per lineal foot.

TABLE 9—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 3
January 1 through June 30, 1983
OLD GROWTH FINAL HARVEST
(100 years of age or older)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Douglas-fir	DF	1	$205	$199	$193	$187	$181
		2	149	143	137	131	125
		3	124	118	112	106	100
Western Hemlock[2]	WH	1	140	134	128	122	116
		2	103	97	91	85	79
		3	86	80	74	68	62
True Fir[3]	TF	1	140	134	128	122	116
		2	103	97	91	85	79
		3	86	80	74	68	62
Western Redcedar	RC	1	215	209	203	197	191
		2	170	164	158	152	146
		3	124	118	112	106	100

TABLE 9—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Sitka Spruce	SS	1	214	208	202	196	190
		2	155	149	143	137	131
		3	129	123	117	111	105
Alaska-cedar	YC	1	1115	1109	1103	1097	1091
		2	792	786	780	774	768
		3	649	643	637	631	625
Other Conifer	OC	1	140	134	128	122	116
		2	103	97	91	85	79
		3	86	80	74	68	62
Red Alder	RA	1	37	30	23	16	9
Cottonwood	BC	1	25	18	11	4	1
Other Hardwoods	OH	1	33	26	19	12	5
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	15	15	15	15	15

[1]Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
[2]Includes Western and Mountain Hemlock.
[3]Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".

TABLE 10—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 3
January 1 through June 30, 1983
YOUNG GROWTH FINAL HARVEST
(Less than 100 years of age, but not including thinning)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Douglas-fir	DF	1	$192	$185	$178	$171	$164
		2	140	133	126	119	112
		3	117	110	103	96	89
		4	103	96	89	82	75
Western Hemlock[2]	WH	1	121	114	107	100	93
		2	90	83	76	69	62
		3	76	69	62	55	48
		4	67	60	53	46	39
True Fir[3]	TF	1	121	114	107	100	93
		2	90	83	76	69	62
		3	76	69	62	55	48
		4	67	60	53	46	39
Western Redcedar[4]	RC	1	164	157	150	143	136
		2	120	113	106	99	92
		3	101	94	87	80	73
Other Conifer	OC	1	121	114	107	100	93
		2	90	83	76	69	62
		3	76	69	62	55	48
		4	67	60	53	46	39
Red Alder	RA	1	37	30	23	16	9
Cottonwood	BC	1	25	18	11	4	1
Other Hardwoods	OH	1	33	26	19	12	5
Hardwood Utility	HU	5	5	5	5	5	5

TABLE 10—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Conifer Utility	CU	5	15	15	15	15	15

[1]Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
[2]Includes Western and Mountain Hemlock.
[3]Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
[4]Includes Alaska-cedar.

TABLE 11—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 3
January 1 through June 30, 1983

THINNING
See definition WAC 458-40-18679(9)(d)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Douglas-fir	DF	1	$167	$160	$153	$146	$139
		2	115	108	101	94	87
		3	92	85	78	71	64
		4	78	71	64	57	50
Western Hemlock[2]	WH	1	96	89	82	75	68
		2	65	58	51	44	37
		3	51	44	37	30	23
		4	42	35	28	21	14
True Fir[3]	TF	1	96	89	82	75	68
		2	65	58	51	44	37
		3	51	44	37	30	23
		4	42	35	28	21	14
Western Redcedar[4]	RC	1	139	132	125	118	111
		2	95	88	81	74	67
		3	76	69	62	55	48
Other Conifer	OC	1	96	89	82	75	68
		2	65	58	51	44	37
		3	51	44	37	30	23
		4	42	35	28	21	14
Red Alder	RA	1	37	30	23	16	9
Cottonwood	BC	1	25	18	11	4	1
Other Hardwoods	OH	1	33	26	19	12	5
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	15	15	15	15	15

[1]Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
[2]Includes Western and Mountain Hemlock.
[3]Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
[4]Includes Alaska-cedar.

TABLE 12—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 3
January 1 through June 30, 1983

SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Western Redcedar-Shake Blocks & Boards[1]	RCS	1	$186	$180	$174	$168	$162
Western Redcedar Flatsawn & Shingle Blocks[1]	RCF	1	70	64	58	52	46
Western Redcedar & Other Posts[2]	RCP	1	0.20	0.20	0.20	0.20	0.20
Douglas-fir Christmas Trees[3]	DFX	1	0.15	0.15	0.15	0.15	0.15
True Fir & Other Christmas Trees[3]	TFX	1	0.35	0.35	0.35	0.35	0.35

[1]Stumpage value per MBF net Scribner Scale. See conversion method table 2 WAC 458-40-19004.
[2]Stumpage value per 8 lineal feet or portion thereof.
[3]Stumpage value per lineal foot.

TABLE 13—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 4
January 1 through June 30, 1983

OLD GROWTH FINAL HARVEST
(100 years of age or older)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Douglas-fir	DF	1	$232	$226	$220	$214	$208
		2	168	162	156	150	144
		3	139	133	127	121	115
Western Hemlock[2]	WH	1	153	147	141	135	129
		2	112	106	100	94	88
		3	94	88	82	76	70
True Fir[3]	TF	1	153	147	141	135	129
		2	112	106	100	94	88
		3	94	88	82	76	70
Western Redcedar	RC	1	198	192	186	180	174
		2	144	138	132	126	120
		3	120	114	108	102	96
Sitka Spruce	SS	1	214	208	202	196	190
		2	155	149	143	137	131
		3	129	123	117	111	105
Noble Fir	NF	1	164	158	152	146	140
		2	120	114	108	102	96
		3	100	94	88	82	76
Alaska-cedar	YC	1	1115	1109	1103	1097	1091
		2	792	786	780	774	768
		3	649	643	637	631	625
Other Conifer	OC	1	153	147	141	135	129
		2	112	106	100	94	88
		3	94	88	82	76	70
Red Alder	RA	1	37	30	23	16	9
Cottonwood	BC	1	25	18	11	4	1

TABLE 13—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Other Hardwoods	OH	1	33	26	19	12	5
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	10	10	10	10	10

[1]Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
[2]Includes Western and Mountain Hemlock.
[3]Includes Pacific Silver Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".

TABLE 14—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 4
January 1 through June 30, 1983

YOUNG GROWTH FINAL HARVEST
(Less than 100 years of age, but not including thinning)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Douglas-fir	DF	1	$217	$210	$203	$196	$189
		2	158	151	144	137	130
		3	131	124	117	110	103
		4	116	109	102	95	88
Western Hemlock[2]	WH	1	160	153	146	139	132
		2	117	110	103	96	89
		3	98	91	84	77	70
		4	87	80	73	66	59
True Fir[3]	TF	1	160	153	146	139	132
		2	117	110	103	96	89
		3	98	91	84	77	70
		4	87	80	73	66	59
Western Redcedar[4]	RC	1	164	157	150	143	136
		2	120	113	106	99	92
		3	101	94	87	80	73
Other Conifer	OC	1	160	153	146	139	132
		2	117	110	103	96	89
		3	98	91	84	77	70
		4	87	80	73	66	59
Red Alder	RA	1	37	30	23	16	9
Cottonwood	BC	1	25	18	11	4	1
Other Hardwoods	OH	1	33	26	19	12	5
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	10	10	10	10	10

[1]Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
[2]Includes Western and Mountain Hemlock.
[3]Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
[4]Includes Alaska-cedar.

TABLE 15—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 4
January 1 through June 30, 1983

THINNING
See definition WAC 458-40-18679(9)(d)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Douglas-fir	DF	1	$192	$185	$178	$171	$164
		2	133	126	119	112	105
		3	106	99	92	85	78
		4	91	84	77	70	63
Western Hemlock[2]	WH	1	135	128	121	114	107
		2	92	85	78	71	64
		3	73	66	59	52	45
		4	62	55	48	41	34
True Fir[3]	TF	1	135	128	121	114	107
		2	92	85	78	71	64
		3	73	66	59	52	45
		4	62	55	48	41	34
Western Redcedar[4]	RC	1	139	132	125	118	111
		2	95	88	81	74	67
		3	76	69	62	55	48
Other Conifer	OC	1	135	128	121	114	107
		2	92	85	78	71	64
		3	73	66	59	52	45
		4	62	55	48	41	34
Red Alder	RA	1	37	30	23	16	9
Cottonwood	BC	1	25	18	11	4	1
Other Hardwoods	OH	1	33	26	19	12	5
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	10	10	10	10	10

[1]Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
[2]Includes Western and Mountain Hemlock.
[3]Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
[4]Includes Alaska-cedar.

TABLE 16—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 4
January 1 through June 30, 1983

SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Western Redcedar-Shake Blocks & Boards[1]	RCS	1	$86	$180	$174	$168	$162
Western Redcedar Flatsawn & Shingle Blocks[1]	RCF	1	70	64	58	52	46
Western Redcedar & Other Posts[2]	RCP	1	0.20	0.20	0.20	0.20	0.20
Douglas-fir Christmas Trees[3]	DFX	1	0.15	0.15	0.15	0.15	0.15

TABLE 16—cont.
Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
True Fir & Other Christmas Trees[3]	TFX	1	0.35	0.35	0.35	0.35	0.35

[1]Stumpage value per MBF net Scribner Scale. See conversion method table 2 WAC 458-40-19004.
[2]Stumpage value per 8 lineal feet or portion thereof.
[3]Stumpage value per lineal foot.

TABLE 17—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 5
January 1 through June 30, 1983

OLD GROWTH FINAL HARVEST
(100 years of age or older)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Douglas-fir	DF	1	$241	$235	$229	$223	$217
		2	173	167	161	155	149
		3	144	138	132	126	120
Western Hemlock[2]	WH	1	199	193	187	181	175
		2	144	138	132	126	120
		3	120	114	108	102	96
True Fir[3]	TF	1	199	193	187	181	175
		2	144	138	132	126	120
		3	120	114	108	102	96
Western Redcedar[4]	RC	1	179	173	167	161	155
		2	130	124	118	112	106
		3	109	103	97	91	85
Sitka Spruce	SS	1	214	208	202	196	190
		2	155	149	143	137	131
		3	129	123	117	111	105
Noble Fir	NF	1	164	158	152	146	140
		2	120	114	108	102	96
		3	100	94	88	82	76
Other Conifer	OC	1	164	158	152	146	140
		2	120	114	108	102	96
		3	100	94	88	82	76
Red Alder	RA	1	37	30	23	16	9
Cottonwood	BC	1	25	18	11	4	1
Other Hardwoods	OH	1	33	26	19	12	5
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	6	6	6	6	6

[1]Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
[2]Includes Western and Mountain Hemlock.
[3]Includes Pacific Silver Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
[4]Includes Alaska-cedar.

TABLE 17—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5

TABLE 18—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 5
January 1 through June 30, 1983

YOUNG GROWTH FINAL HARVEST
(Less than 100 years of age, but not including thinning)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Douglas-fir	DF	1	$207	$200	$193	$186	$179
		2	151	144	137	130	123
		3	126	119	112	105	98
		4	111	104	97	90	83
Western Hemlock[2]	WH	1	121	114	107	100	93
		2	90	83	76	69	62
		3	76	69	62	55	48
		4	67	60	53	46	39
True Fir[3]	TF	1	121	114	107	100	93
		2	90	83	76	69	62
		3	76	69	62	55	48
		4	67	60	53	46	39
Western Redcedar[4]	RC	1	164	157	150	143	136
		2	120	113	106	99	92
		3	101	94	87	80	73
Other Conifer	OC	1	121	114	107	100	93
		2	90	83	76	69	62
		3	76	69	62	55	48
		4	67	60	53	46	39
Red Alder	RA	1	37	30	23	16	9
Cottonwood	BC	1	25	18	11	4	1
Other Hardwoods	OH	1	33	26	19	12	5
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	6	6	6	6	6

[1]Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
[2]Includes Western and Mountain Hemlock.
[3]Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
[4]Includes Alaska-cedar.

TABLE 19—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 5
January 1 through June 30, 1983

THINNING
See definition WAC 458-40-18679(9)(d)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Douglas-fir	DF	1	$182	$175	$168	$161	$154
		2	126	119	112	105	98
		3	101	94	87	80	73
		4	86	79	72	65	58

TABLE 19—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Western Hemlock[2]	WH	1	96	89	82	75	68
		2	65	58	51	44	37
		3	51	44	37	30	23
		4	42	35	28	21	14
True Fir[3]	TF	1	96	89	82	75	68
		2	65	58	51	44	37
		3	51	44	37	30	23
		4	42	35	28	21	14
Western Redcedar[4]	RC	1	139	132	125	118	111
		2	95	88	81	74	67
		3	76	69	62	55	48
Other Conifer	OC	1	96	89	82	75	68
		2	65	58	51	44	37
		3	51	44	37	30	23
		4	42	35	28	21	14
Red Alder	RA	1	37	30	23	16	9
Cottonwood	BC	1	25	18	11	4	1
Other Hardwoods	OH	1	33	26	19	12	5
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	6	6	6	6	6

[1]Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
[2]Includes Western and Mountain Hemlock.
[3]Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
[4]Includes Alaska-cedar.

TABLE 20—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 5
January 1 through June 30, 1983

SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Western Redcedar-Shake Blocks & Boards[1]	RCS	1	$186	$180	$174	$168	$162
Western Redcedar Flatsawn & Shingle Blocks[1]	RCF	1	70	64	58	52	46
Western Redcedar & Other Posts[2]	RCP	1	0.20	0.20	0.20	0.20	0.20
Douglas-fir Christmas Trees[3]	DFX	1	0.15	0.15	0.15	0.15	0.15
True fir & Other Christmas Trees[3]	TFX	1	0.35	0.35	0.35	0.35	0.35

[1]Stumpage value per MBF net Scribner Scale. See conversion method table 2 WAC 458-40-19004.
[2]Stumpage value per 8 lineal feet or portion thereof.
[3]Stumpage value per lineal foot.

TABLE 21—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREAS 6, 7, 8, AND 9
January 1 through June 30, 1983

MERCHANTABLE SAWTIMBER, ALL AGES

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Ponderosa Pine	PP	1	$123	$117	$111	$105	$ 99
		2	85	79	73	67	61
Douglas-fir	DF	1	83	77	71	65	59
Western Larch	WL	1	83	77	71	65	59
Western Hemlock[2]	WH	1	75	69	63	57	51
True fir[3]	TF	1	75	69	63	57	51
Engelmann Spruce	ES	1	50	44	38	32	26
Western White Pine	WP	1	50	44	38	32	26
Western Redcedar	RC	1	126	120	114	108	102
Lodgepole Pine	LP	1	41	35	29	23	17
Hardwoods	OH	1	18	12	6	1	1
Utility	CU	5	3	3	3	3	3

[1]Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
[2]Includes Western and Mountain Hemlock.
[3]Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".

TABLE 22—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREAS 6, 7, 8, AND 9
January 1 through June 30, 1983

SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks[1]	RCF	1	$99	$93	$87	$81	$75
Lodgepole Pine & Other Posts[2]	LPP	1	0.20	0.20	0.20	0.20	0.20
Pine Christmas Trees[3]	PX	1	0.13	0.13	0.13	0.13	0.13
Douglas-fir & Other Christmas Trees[4]	DFX	1	0.15	0.15	0.15	0.15	0.15

[1]Stumpage value per MBF net Scribner Scale. See conversion method table 2 WAC 458-40-19004.
[2]Stumpage value per 8 lineal feet or portion thereof.
[3]Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
[4]Stumpage value per lineal foot.

TABLE 23—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 10
January 1 through June 30, 1983

MERCHANTABLE SAWTIMBER, ALL AGES

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Ponderosa Pine	PP	1	$111	$105	$ 99	$ 93	$ 87
		2	82	76	70	64	58
		3	69	63	57	51	45
Douglas–fir	DF	1	112	106	100	94	88
		2	83	77	71	65	59
		3	70	64	58	52	46
Western Larch	WL	1	112	106	100	94	88
		2	83	77	71	65	59
		3	70	64	58	52	46
Western Hemlock[2]	WH	1	108	102	96	90	84
		2	80	74	68	62	56
		3	68	62	56	50	44
True Fir[3]	TF	1	108	102	96	90	84
		2	80	74	68	62	56
		3	68	62	56	50	44
Other Conifer	OC	1	108	102	96	90	84
		2	80	74	68	62	56
		3	68	62	56	50	44
Hardwoods	OH	1	18	12	6	1	1
Utility	CU	5	5	5	5	5	5

[1]Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458–40–19004.
[2]Includes Western and Mountain Hemlock.
[3]Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All these species are commonly referred to as "White Fir".

TABLE 24—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 10
January 1 through June 30, 1983

SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks[1]	RCF	1	$108	$102	$96	$90	$84
Lodgepole Pine & Other Posts[2]	LPP	1	0.20	0.20	0.20	0.20	0.20
Pine Christmas Trees[3]	PX	1	0.13	0.13	0.13	0.13	0.13
Douglas–fir & Other Christmas Trees[4]	DFX	1	0.15	0.15	0.15	0.15	0.15

[1]Stumpage value per MBF Scribner Scale. See conversion method table 2 WAC 458–40–19004.
[2]Stumpage value per 8 lineal feet or portion thereof.
[3]Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
[4]Stumpage value per lineal foot.

TABLE 25—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 11
January 1 through June 30, 1983

OLD GROWTH FINAL HARVEST
(100 years of age or older)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Douglas–fir	DF	1	$155	$149	$143	$137	$131
		2	99	93	87	81	75
		3	74	68	62	56	50
Western Hemlock[2]	WH	1	90	84	78	72	66
		2	53	47	41	35	29
		3	36	30	24	18	12
True Fir[3]	TF	1	90	84	78	72	66
		2	53	47	41	35	29
		3	36	30	24	18	12
Western Redcedar[4]	RC	1	165	159	153	147	141
		2	120	114	108	102	96
		3	74	68	62	56	50
Other Conifer	OC	1	90	84	78	72	66
		2	53	47	41	35	29
		3	36	30	24	18	12
Red Alder	RA	1	32	25	18	11	4
Cottonwood	BC	1	20	13	6	1	1
Other Hardwoods	OH	1	28	21	14	7	1
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	10	10	10	10	10

[1]Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458–40–19004.
[2]Includes Western and Mountain Hemlock.
[3]Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
[4]Includes Alaska–cedar.

TABLE 26—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 11
January 1 through June 30, 1983

YOUNG GROWTH FINAL HARVEST
(Less than 100 years of age, but not including thinning)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Douglas–fir	DF	1	$142	$135	$128	$121	$114
		2	90	83	76	69	62
		3	81	74	67	60	53
		4	53	46	39	32	25
Western Hemlock[2]	WH	1	71	64	57	50	43
		2	40	33	26	19	12
		3	26	19	12	5	5
		4	17	10	5	5	5
True Fir[3]	TF	1	71	64	57	50	43
		2	40	33	26	19	12
		3	26	19	12	5	5
		4	17	10	5	5	5
Western Redcedar[4]	RC	1	114	107	100	93	86
		2	70	63	56	49	42
		3	51	44	37	30	23

TABLE 26—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Other Conifer	OC	1	71	64	57	50	43
		2	40	33	26	19	12
		3	26	19	12	5	5
		4	17	10	5	5	5
Red Alder	RA	1	32	25	18	11	4
Cottonwood	BC	1	20	13	6	1	1
Other Hardwoods	OH	1	28	21	14	7	1
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	10	10	10	10	10

[1]Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
[2]Includes Western and Mountain Hemlock.
[3]Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
[4]Includes Alaska-cedar.

TABLE 27—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 11
January 1 through June 30, 1983

THINNING
See definition WAC 458-40-18679(9)(d)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale[1]

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Douglas-fir	DF	1	$117	$110	$103	$ 96	$ 89
		2	65	58	51	44	37
		3	56	49	42	35	28
		4	28	21	14	7	1
Western Hemlock[2]	WH	1	46	39	32	25	18
		2	15	8	1	1	1
		3	1	1	1	1	1
		4	1	1	1	1	1
True Fir[3]	TF	1	46	39	32	25	18
		2	15	8	1	1	1
		3	1	1	1	1	1
		4	1	1	1	1	1
Western Redcedar[4]	RC	1	89	82	75	68	61
		2	45	38	31	24	17
		3	26	19	12	5	1
Other Conifer	OC	1	46	39	32	25	18
		2	15	8	1	1	1
		3	1	1	1	1	1
		4	1	1	1	1	1
Red Alder	RA	1	32	25	18	11	4
Cottonwood	BC	1	20	13	6	1	1
Other Hardwoods	OH	1	28	21	14	7	1
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	10	10	10	10	10

[1]Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
[2]Includes Western and Mountain Hemlock.
[3]Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
[4]Includes Alaska-cedar.

TABLE 28—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 11
January 1 through June 30, 1983

SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number 1	2	3	4	5
Western Redcedar-Shake Blocks & Boards[1]	RCS	1	$136	$130	$124	$118	$112
Western Redcedar Flatsawn & Shingle Blocks[1]	RCF	1	53	47	41	35	29
Western Redcedar & Other Posts[2]	RCP	1	0.20	0.20	0.20	0.20	0.20
Douglas-fir Christmas Trees[3]	DFX	1	0.15	0.15	0.15	0.15	0.15
True Fir & Other Christmas Trees[3]	TFX	1	0.35	0.35	0.35	0.35	0.35

[1]Stumpage value per MBF net Scribner Scale. See conversion method table 2 WAC 458-40-19004.
[2]Stumpage value per 8 lineal feet or portion thereof.
[3]Stumpage value per lineal foot.

NEW SECTION

WAC 458-40-18684 HARVESTER ADJUSTMENTS—TABLES FOR JANUARY 1 THROUGH JUNE 30, 1983. In order to make reasonable and adequate allowances for costs of removal and size of logging operation in computation of stumpage value rates as required by RCW 84.33.071(3), the department has prepared tables which allow for adjustments to the stumpage value rates derived from the stumpage value tables of WAC 458-40-18683.

Harvest adjustments relating to harvest volume per acre, logging conditions and average volume per log shall be allowed against the stumpage value rates for the designated harvest types and in the designated stumpage value areas as set forth in the following tables with the following limitations:

(1) No harvest adjustment shall be allowed against "special forest products".
(2) No harvest adjustment shall be allowed against "utility", "conifer utility", and "hardwood utility".
(3) Rates for the harvest type "old growth final harvest", shall be adjusted to a value no lower than $10 per thousand board feet.
(4) Rates for the harvest type "young growth final harvest", conifers, shall be adjusted to a value no lower than $5 per thousand board feet.
(5) Stumpage value rates for conifers within the harvest type "merchantable sawtimber, all ages", shall be adjusted to a value no lower than $5 per thousand board feet.
(6) Stumpage value rates for "hardwood" and for "thinning harvest" shall be adjusted to a value no lower than $1 per thousand board feet.

Timber harvesters planning to remove timber from areas having damaged timber may apply to the department of revenue for adjustment in stumpage value rates. Such applications should contain a map with the legal description of the area from which the timber will be removed, a description of the damage sustained by the timber, and a listing of additional costs incurred. Such applications should be sent to the Department of Revenue AX-02, Forest Tax Division, General Administration Building, Olympia, Washington 98504, before the harvest commences.

In the event the extent of such timber damage or additional costs are not known at the time the application is filed, the harvester may supplement the application when the necessary information is obtained, but in no event later than 90 days following completion of the harvest unit.

Upon application from any person who plans to harvest damaged timber the department will make a determination as to the amount of adjustment to be allowed. The harvester will be notified by the department of the amount of the adjustment. This amount can then be taken as a credit against tax liabilities or if the harvester is no longer harvesting, a refund will be authorized.

The following harvest adjustment tables are hereby adopted for use during the period of January 1 through June 30, 1983:

TABLE 1—HARVEST ADJUSTMENT TABLE
STUMPAGE VALUE AREAS 1, 2, 3, 4, 5, AND 11
January 1 through June 30, 1983

OLD GROWTH FINAL HARVEST
(100 years of age, or older)

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume Per Acre		
Class 1	Harvest of more than 40 thousand board feet per acre.	0
Class 2	Harvest of 15 thousand board feet to 40 thousand board feet per acre.	- $4.00
Class 3	Harvest of less than 15 thousand board feet per acre.	- $7.00
II. Logging Conditions		
Class 1	Favorable logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	+ $17.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	0
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	- $19.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include "Special Forest Products".	- $90.00

TABLE 2—HARVEST ADJUSTMENT TABLE
STUMPAGE VALUE AREAS 1, 2, 3, 4, 5, AND 11
January 1 through June 30, 1983

YOUNG GROWTH FINAL HARVEST
(Less than 100 years of age, but not including thinning)

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume Per Acre		
Class 1	Harvest of more than 30 thousand board feet per acre.	0
Class 2	Harvest of 10 thousand board feet to 30 thousand board feet per acre.	- $2.00
Class 3	Harvest of less than 10 thousand board feet per acre.	- $6.00
II. Logging Conditions		
Class 1	Favorable logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	+ $17.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	0
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	- $19.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include "Special Forest Products".	- $90.00

TABLE 3—HARVEST ADJUSTMENT TABLE
STUMPAGE VALUE AREAS 1, 2, 3, 4, 5, AND 11
January 1 through June 30, 1983

THINNING
See definition WAC 458-40-18679(9)(d)

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume Per Acre		
Class 1	Harvest of more than 10 thousand board feet per acre.	0
Class 2	Harvest of 5 thousand board feet to 10 thousand board feet per acre.	- $3.00
Class 3	Harvest of less than 5 thousand board feet per acre.	- $5.00
II. Logging Conditions		
Class 1	Favorable wheel tractor logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 20%.	+ $17.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 20% and 40%.	0
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 40%. Normally a tower yarding operation.	- $19.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include "Special Forest Products".	- $90.00
III. Average Log Size		
Class 1	50 board feet or more.	0
Class 2	Less than 50 board feet.	- $10.00

TABLE 4—HARVEST ADJUSTMENT TABLE
STUMPAGE VALUE AREAS 6, 7, 8, 9 AND 10
January 1 through June 30, 1983

MERCHANTABLE SAWTIMBER, ALL AGES

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume Per Acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	0
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	- $7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	- $10.00
II. Logging Conditions		
Class 1	Favorable logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 20%.	+ $12.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 20% to 40%.	0
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 40%.	- $16.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include "Special Forest Products".	- $90.00

NEW SECTION

WAC 458-40-18685 SMALL HARVESTER OPTION FOR JANUARY 1 THROUGH JUNE 30, 1983. Harvesters of no more

than 500 MBF per calendar quarter or a total of 1,000 MBF in a calendar year of combined public and private harvest (excluding conifer and hardwood utility) may elect to calculate the timber tax in the manner provided by RCW 84.33.073 and 84.33.074. A harvester who elects to use this option shall use the quarterly reporting forms provided for this option by the department of revenue.

NEW SECTION

WAC 458-40-18686 DEFINITIONS FOR SMALL HARVESTER OPTION FOR JANUARY 1 THROUGH JUNE 30, 1983. (1) Small Harvester. Small harvester means every person who from his own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, fells, cuts, or takes timber for sale or for commercial or industrial use in an amount not exceeding 500 MBF in a calendar quarter and not exceeding 1,000 MBF in a calendar year of combined public and private harvest (excluding conifer and hardwood utility). It does not include persons performing under contract the necessary labor or mechanical services for a harvester, and it does not include harvests of forest products classified by the department of revenue as special forest products including Christmas trees, posts, shake boards, bolts, flatsawn and shingle blocks.

(2) Harvesting and Marketing. Harvesting and marketing costs means only those costs directly associated with harvesting the timber from the land and delivering it to the buyer and may include the costs of disposing of logging residues but it does not include any other costs which are not directly and exclusively related to harvesting and marketing of the timber such as costs of permanent roads or costs of reforesting the land following harvest.

(3) Stumpage Value. Stumpage value shall be determined by the following methods, whichever is most appropriate to the circumstances of the harvest:

(a) Sale of Logs – Timber which has been severed from the stump and cut into various lengths for further processing. A landowner who has sold logs for a percentage share of gross receipts should report the share received under WAC 458-40-18686 (3)(b). The taxable stumpage value is the actual gross receipts from the harvested timber less the costs of harvesting and marketing.

(b) Sale of Stumpage – Standing or fallen trees which have not been severed from the stump, providing harvest occurs within 12 months of sale. If harvest occurs more than 12 months after sale report under WAC 458-40-18686 (3)(a). The taxable stumpage value is the actual gross receipts received for the timber from the most recent sale prior to harvest. No harvesting and marketing cost deduction is allowable.

(4) This rule shall not be construed to affect any timber contracts in effect prior to August 1, 1982.

NEW SECTION

WAC 458-40-18687 TAXABLE STUMPAGE VALUE FOR JANUARY 1 THROUGH JUNE 30, 1983. Taxable stumpage value shall be the stumpage value as determined by WAC 458-40-18686(3) (a) or (b). Actual harvesting and marketing costs must be used in all instances where documented records are available. When the taxpayer is unable to provide documented proof of harvesting and marketing costs, the deduction shall be a percentage of the gross receipts from the sale of the harvested timber as determined by the department of revenue. For the calendar period January 1 through June 30, 1983, the deduction shall be fifty percent of the gross receipts. The amount of tax due is determined by multiplying the total taxable stumpage value by the current rate of .065.

AMENDATORY SECTION (Amending Order FT-82-3, filed 6/30/82)

WAC 458-40-19000 TIMBER POLE VOLUME TABLE FOR WEST OF CASCADE SUMMIT FOR THE CALENDAR PERIOD ((~~JULY 1 THROUGH DECEMBER 31, 1982~~)) JANUARY 1 THROUGH JUNE 30, 1983. Harvesters of poles in stumpage value areas 1, 2, 3, 4, 5, and 11 shall use the following timber pole volume table to determine the Scribner board foot volume for each pole length and class:

Pole Length	Pole Class[1]	Total Scribner Board Foot Volume as per Pole Length and Per Pole Class
	1	50
	2	50
	3	40
	4	40
20'	5	30
	6	30
	7	20
	9	20
	10	20
	1	60
	2	60
	3	50
	4	50
25'	5	40
	6	40
	7	30
	9	30
	10	30
	1	110
	2	70
	3	60
30'	4	60
	5	50
	6	50
	7	40
	9	40
	H2	160
	H2	160
	1	130
	2	100
35'	3	80
	4	80
	5	60
	6	60
	7	50
	H4	240(240)
	H3	200(200)
	H2	180
	H1	180
40'	1	150
	2	120
	3	120
	4	90
	5	70
	6	60
	H6	380(380)
	H5	340(340)
	H4	340(340)
	H3	280(270)
	H2	230(130)
45'	H1	230(130)
	1	190(110)
	2	150
	3	120
	4	120
	5	90
	6	90
	H6	430(430)
	H5	370(370)
	H4	370(370)
	H3	300(300)
	H2	260(260)
50'	H1	260(150)
	1	210(120)
	2	160
	3	140
	4	140
	5	100

Pole Length	Pole Class[1]	Total Scribner Board Foot Volume as per Pole Length and Per Pole Class
	H6	470(470)
	H5	410(410)
	H4	410(410)
	H3	330(330)
	H2	280(160)
55'	H1	280(160)
	1	230(130)
	2	180
	3	150
	4	150
	H6	540(540)
	H5	470(470)
	H4	470(470)
	H3	410(410)
60'	H2	340(210)
	H1	340(210)
	1	290(180)
	2	220(150)
	3	190
	4	190
	H6	610(610)
	H5	520(520)
	H4	520(520)
	H3	420(420)
65'	H2	380(230)
	H1	380(230)
	1	320(190)
	2	260(160)
	3	210
	4	210
	H6	650(650)
	H5	560(560)
	H4	560(560)
	H3	480(480)
70'	H2	400(240)
	H1	400(240)
	1	350(210)
	2	270(170)
	3	230
	4	230
	H6	700(700)
	H5	600(600)
	H4	600(600)
	H3	520(520)
75'	H2	520(520)
	H1	520(330)
	1	440(270)
	2	290(180)
	3	250
	H6	820(820)
	H5	700(700)
	H4	700(700)
	H3	600(600)
80'	H2	600(600)
	H1	540(360)
	1	440(290)
	2	360(240)
	3	290(200)
	H6	910(910)
	H5	800(800)
	H4	800(800)
	H3	660(660)
85'	H2	660(660)
	H1	660(520)
	1	570(450)
	2	490(340)
	3	360(200)
	H6	1080(1080)
	H5	930(930)
	H4	930(930)
	H3	820(820)
90'	H2	820(820)
	H1	690(560)
	1	590(480)
	2	490(420)
	3	400(210)
	H6	1170(1170)
	H5	1000(1000)
	H4	1000(1000)
95'	H3	870(870)
	H2	870(870)
	H1	750(600)
	1	640(510)
	2	540(440)
	H6	1190(1190)
	H5	1030(1030)
	H4	1030(1030)
100'	H3	900(900)
	H2	900(900)
	H1	760(610)
	1	660(530)
	2	550(450)
	H6	1310(1310)
	H5	1160(1160)
	H4	1160(1160)
105'	H3	1000(1000)
	H2	1000(1000)
	H1	860(700)
	1	740(600)
	2	610(510)
	H6	1370(1370)
	H5	1220(1220)
	H4	1220(1220)
110'	H3	1050(1050)
	H2	1050(1050)
	H1	910(740)
	1	780(640)
	2	650(540)
	H6	1440(1440)
	H5	1280(1280)
	H4	1280(1280)
115'	H3	1100(1100)
	H2	1100(1100)
	H1	960(780)
	1	860(670)
	2	680(570)
	H6	1660(1660)
	H5	1460(1460)
	H4	1460(1460)
120'	H3	1300(1300)
	H2	1300(1300)
	H1	1140(960)
	1	970(820)
	2	820(700)
	H6	1840(1840)
	H5	1600(1600)
	H4	1600(1600)
125'	H3	1410(1410)
	H2	1410(1410)
	H1	1250(1100)
	1	1080(940)
	2	930(830)

Pole Length	Pole Class[1]	Total Scribner Board Foot Volume as per Pole Length and Per Pole Class
130'	H6	1920(1920)
	H5	1680(1680)
	H4	1680(1680)
	H3	1490(1490)
	H2	1490(1490)
	H1	1310(1160)
	1	1120(990)
	2	970(870)

[1]Pole class definitions as per American National Standard specifications and dimensions for wood poles as approved August 7, 1976 under American Nation Standard Institute, Inc. codified ANSI 05.1-1972.

[2]Long log volume calculations are based on Official Log Scaling and Grading Rules, revised January 1, 1980, published by The Puget Sound Log Scaling Bureau. These rules are also used by The Columbia River and the Grays Harbor Log Scaling and Grading Bureau.

[3]The number, enclosed in parenthesis after the total Scribner pole volume for each pole length and class, is the volume per pole for Number 2 sawmill and better log grade, where applicable.

AMENDATORY SECTION (Amending Order FT-82-3, filed 6/30/82)

WAC 458-40-19001 TIMBER PILING VOLUME TABLE FOR WEST OF CASCADE SUMMIT FOR THE CALENDAR PERIOD ((~~JULY 1 THROUGH DECEMBER 31, 1982~~)) JANUARY 1 THROUGH JUNE 30, 1983. Harvesters of piling in stumpage value areas 1, 2, 3, 4, 5, and 11 shall use the following piling table to determine the Scribner board foot volume for each piling length and class:

Piling Length	Piling Class[1]	Total Scribner Board Foot Volume as per Piling Length and per Piling Class
20'	A	80
	B	70
25'	A	100
	B	90
30'	A	130
	B	110
35'	A	130
	B	110
40'	A	150
	B	120
45'	A	150
	B	120
50'	A	160
	B	140
55'	A	180
	B	150
60'	A	190
	B	160
65'	A	210
	B	180
70'	A	230
	B	190
75'	A	230
	B	200
80'	A	250
	B	210
85'	A	260(140)
	B	210
90'	A	260(150)
	B	220
95'	A	290(150)
	B	240
100'	A	310(160)
	B	250
105'	A	330(170)
	B	270
110'	A	380(220)
	B	300(180)
115'	A	400(230)
	B	310(190)
120'	A	500(290)
	B	400(240)

[1]Piling class definitions as per American Society for Testing and Materials for "Round Timber Piles". As the Designation: D 25-58 (Reapproved 1964).

[2]Long log volume calculations are based on Official Log Scaling and Grading Rules revised January 1, 1980, published by The Puget Sound Log Scaling Bureau. These rules are also used by the Columbia River and the Grays Harbor Log Scaling and Grading Bureau.

[3]The number, enclosed in parenthesis after the total Scribner board foot volume for each piling length and class, is the volume per piling for Number 2 sawmill and better log grade, where applicable.

AMENDATORY SECTION (Amending Order FT-82-3, filed 6/30/82)

WAC 458-40-19002 TIMBER POLE VOLUME TABLE FOR EAST OF CASCADE SUMMIT FOR THE CALENDAR PERIOD ((~~JULY 1 THROUGH DECEMBER 31, 1982~~)) JANUARY 1 THROUGH JUNE 30, 1983. Harvesters of poles in stumpage value areas 6, 7, 8, 9 and 10 shall use the following timber pole volume table to determine the Scribner board foot volume. The timber quality code number shall be determined by the procedure contained herein under the tables titled "Timber Quality Code Table, Stumpage Value Areas 6, 7, 8 and 9 Merchantable Sawtimber, All Ages," and "Timber Quality Code Table, Stumpage Value Area 10, Merchantable Sawtimber, All Ages."

Length	Class[1]	Total Scribner Board Foot Volume as per Pole Length and Pole Class
20'	1	70
	2	60
	3	50
	4	50
	5	30
	6	30
	7	20
	9	20
	10	20

Length	Class[1]	Total Scribner Board Foot Volume as per Pole Length and Pole Class
25'	1	80
	2	70
	3	50
	4	50
	5	40
	6	40
	7	30
	9	30
	10	20
30'	1	110
	2	90
	3	60
	4	60
	5	50
	6	50
	7	50
	9	40
35'	H2	190
	H1	160
	1	140
	2	100
	3	100
	4	70
	5	60
	6	60
	7	50
40'	H3	240
	H2	240
	H1	200
	1	170
	2	120
	3	110
	4	100
	5	70
	6	70
45'	H6	390
	H5	330
	H4	330
	H3	270
	H2	270
	H1	220
	1	180
	2	150
	3	110
	4	110
	5	80
	6	70
50'	H6	460
	H5	390
	H4	390
	H3	340
	H2	340
	H1	280
	1	240
	2	190
	3	150
	4	150
	5	120
55'	H6	510
	H5	430
	H4	430
	H3	370
	H2	360
	H1	300
	1	250
	2	190
	3	150
	4	150
60'	H6	610
	H5	530
	H4	530
	H3	440
	H2	440
	H1	380
	1	310
	2	240
	3	200
	4	200
65'	H6	650
	H5	570
	H4	570
	H3	490
	H2	480
	H1	410
	1	350
	2	280
	3	220
	4	220
70'	H6	750
	H5	650
	H4	650
	H3	550
	H2	470
	H1	470
	1	410
	2	320
	3	260
	4	260
75'	H6	810
	H5	700
	H4	700
	H3	600
	H2	600
	H1	500
	1	440
	2	340
	3	270
80'	H6	960
	H5	830
	H4	830
	H3	710
	H2	710
	H1	610
	1	510
	2	420
	3	340
85'	H6	1020
	H5	870
	H4	870
	H3	760
	H2	760
	H1	640
	1	550
	2	450
	3	360

Length	Class[1]	Total Scribner Board Foot Volume as per Pole Length and Pole Class
90'	H6	1110
	H5	970
	H4	970
	H3	840
	H2	840
	H1	720
	1	620
	2	500
	3	420
95'	H6	1160
	H5	1010
	H4	1010
	H3	870
	H2	870
	H1	740
	1	640
	2	510
100'	H6	1380
	H5	1210
	H4	1210
	H3	1060
	H2	1060
	H1	910
	1	780
	2	650
105'	H6	1430
	H5	1250
	H4	1250
	H3	1100
	H2	1100
	H1	940
	1	820
	2	690
110'	H6	1580
	H5	1390
	H4	1390
	H3	1220
	H2	1220
	H1	1070
	1	920
	2	770
115'	H6	1660
	H5	1470
	H4	1470
	H3	1280
	H2	1280
	H1	970
	1	810
	2	680
120'	H6	1880
	H5	1680
	H4	1680
	H3	1480
	H2	1480
	H1	1290
	1	1130
	2	950
125'	H6	1910
	H5	1690
	H4	1690
	H3	1490
	H2	1490
	H1	1140
	1	970
	2	810
130'	H6	2170
	H5	1920
	H4	1920
	H3	1710
	H2	1710
	H1	1510
	1	1320
	2	1140

[1]Pole class definitions as per American National Standard specifications and dimensions for wood poles as approved August 7, 1976 under American National Standard Institute, Inc. codified ANSI 05.1-1972.

[2]Volumes are based on the Scribner Decimal C log rule in the U.S.F.S. Log Scaling Handbook. Poles over 16 feet long were segment scaled in accordance with the rules set forth in the U.S.F.S. Log Scaling Handbook, using the average top diameter by size and class and assuming a 1" in 10' taper.

AMENDATORY SECTION (Amending Order FT-82-3, filed 6/30/82)

WAC 458-40-19003 TIMBER PILING VOLUME TABLE FOR EAST OF CASCADE SUMMIT FOR THE CALENDAR PERIOD ((~~JULY 1 THROUGH DECEMBER 31, 1982~~)) JANUARY 1 THROUGH JUNE 30, 1983. Harvesters of piling in stumpage value areas 6, 7, 8, 9 and 10 shall use the following piling table to determine the Scribner board foot of volume. The timber quality code number for each piling length and class shall be determined by the procedure contained herein under the tables titled "Timber Quality Code Table, Stumpage Value Areas 6, 7, 8 and 9 Merchantable Sawtimber, All Ages" and "Timber Quality Code Table, Stumpage Value Area 10, Merchantable Sawtimber, All Ages."

Length	Class[1]	Total Scribner Board Foot Volume per Piling Length and per Piling Class
20'	A	90
	B	70
25'	A	100
	B	80
30'	A	130
	B	110
35'	A	140
	B	100
40'	A	140
	B	100
45'	A	150
	B	110
50'	A	190
	B	150
55'	A	190
	B	150
60'	A	240
	B	200
65'	A	240
	B	200
70'	A	260
	B	210
75'	A	270
	B	220
80'	A	220
	B	220

Length	Class[1]	Total Scribner Board Foot Volume per Piling Length and per Piling Class
85'	A	300
	B	240
90'	A	280
	B	280
95'	A	360
	B	280
100'	A	360
	B	280
105'	A	400
	B	300
110'	A	460
	B	340
115'	A	470
	B	360
120'	A	560
	B	450

[1]Piling class definitions as per American Society for Testing and Materials for "Round Timber Piles". As the Designation: D 25-56 (Reapproved 1964).

[2]Volumes are based on the Scribner Decimal C log rule in the U.S.F.S. Log Scaling Handbook. Poles over 16 feet long were segment scaled in accordance with the rules set forth in the U.S.F.S. Log Scaling Handbook, using the average top diameter by size and class and assuming a 1" in 10' taper.

AMENDATORY SECTION (Amending Order FT-82-3, filed 6/30/82)

WAC 458-40-19004 CONVERSION DEFINITIONS AND FACTORS FOR THE CALENDAR PERIOD ((~~JULY 1 THROUGH DECEMBER 31, 1982~~)) JANUARY 1 THROUGH JUNE 30, 1983. (1) The following standard conversion definitions and factors shall be used in determining Scribner board foot volume scale for timber harvested that was not originally scaled in Scribner board foot volume scale:

Table No.	Conversion Method
1	Standard Cord For logs on the average of 8 inches and larger on the small end of the log the conversion factor is 400 Scribner board feet per cord and for logs on the average of less than 8 inch on the small end of the log the conversion factor is 330 Scribner board feet per cord.
2	Shake Blocks and Boards A cord consisting of western redcedar shingle or shake blocks based on stacked dimensions of 4 feet by 4 feet by 8 feet is equivalent to 600 Scribner board feet.
3	Cants or Lumber from Portable Mills Payment for cants is generally based on the board foot volume (lumber tally) cut from them. Payment for lumber cut from a portable mill is also generally based on the lumber tally from the log. To convert from lumber tally to Scribner log volume, multiply the lumber tally for the individual species by 75% and round to the nearest one thousand board feet Scribner scale.
4	Log Length Conversion Western Washington Only (Stumpage Value Areas 1, 2, 3, 4, 5, and 11). Operations that cut and scale logs in short lengths (16 feet to 20 feet) shall adjust the volume downward to correspond to the long log scale basis used in the Stumpage Value Tables. To convert to long log scale, multiply the short log scale for each species by 82% and round to the nearest thousand board feet.
5	Log Length Conversion Eastern Washington Only (Stumpage Value Areas 6, 7, 8, 9 and 10). Operations that cut and scale logs in long lengths (32 feet to 40 feet) shall adjust the volume upward to correspond to the short log scale basis used in the Stumpage Value Tables. To convert to short log scale, multiply the long log scale for each species by 118% and round to the nearest thousand board feet.
6	Some standard converting factors and equivalents: (a) 1 standard cord equals 128 cubic feet, gross (b) 1 standard cord equals 85 cubic feet, solid wood (c) 1 standard cord equals 2.4069 cubic meters of solid wood (d) 1 cunit equals 100 cubic feet, log scale (e) 1 meter equals 39.37 inches (f) 1 cubic meter equals 35.315 cubic feet log scale (g) 1 cunit equals 2.832 cubic meters, log scale (h) 1 pound equals 0.454 kilograms (i) 1 kilogram equals 2.2046 pounds (j) 1 short ton equals 2000 pounds (k) 1 short ton equals 907.18 kilograms (l) 1 long ton equals 2240.0 pounds (m) 1 long ton equals 1016.05 kilograms (n) 1 metric ton (or tonne) equals 1000 kilograms or approximately 2204.62 pounds.

(2) If the harvester chooses not to use the designated conversion definitions and/or factors, the harvester shall obtain approval of the procedure from the department before harvesting.

EXAMPLE: Weight or Cubic Measurement. If the original unit of measure was by weight (pounds or tons) or cubic feet (cunits or units), the harvester shall convert to Scribner Board Foot volume, but may use only such conversion procedures and factors as have been given prior approval by the department.

WSR 82-22-078
ADOPTED RULES
EASTERN WASHINGTON UNIVERSITY
[Order 82-04—Filed November 3, 1982]

I, Kenneth R. Dolan, Secretary, Board of Trustees of the Eastern Washington University, do promulgate and adopt at Pence Union Building, Council Chambers, the annexed rules relating to delegation of appointing authority power, WAC 172-180-020.

This action is taken pursuant to Notice No. WSR 82-16-051 filed with the code reviser on July 29, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of the Eastern Washington University as authorized in RCW 28B.35.120.

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 28, 1982.

By Kenneth R. Dolan
Secretary, Board of Trustees

AMENDATORY SECTION (Amending Resolution 78-2, filed 5/5/78)

WAC 172-180-020 DELEGATION OF APPOINTING AUTHORITY POWER. In accordance with the statutory powers referred to in WAC 172-180-010 and in accordance with the rules promulgated by the Higher Education Personnel Board, the Board of Trustees of Eastern Washington University, in accordance with the resolution adopting this WAC chapter, hereby designates the following positions, and persons occupying such positions, as appointing authorities at Eastern Washington University:

(1) The President;

(2) The ((~~Executive~~)) Vice President and Provost for Academic Affairs;

(3) ((~~The Provost for Academic Affairs;~~

~~(4)~~)) The Vice Provost for ((~~Graduate and Undergraduate Studies~~)) Academic Affairs;

((~~(5)~~)) (4) The Vice President for Business and Finance;

(5) The Vice President for Extended Programs;

(6) The Provost for Student Services;

(7) The ((~~Director of University Relations~~)) Vice President for Administration;

(8) The Dean, College of Letters and Sciences;

(9) The Dean, School of Fine Arts;

(10) The Dean, School of Human Learning and Development;

(11) The Dean, Division of Health Sciences;

(12) The Dean, School of Business ((~~Administration~~));

(13) The Dean, School of Social Work and Human Services;

(14) The Dean, School of Public Affairs;

(15) The University Librarian((~~;~~)); and

((~~(15) The Business Manager.~~))

(16) The Executive Assistant to the President (also the Secretary of the Board of Trustees).

control agent will maintain the four-foot application swath with a minimum of drift.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapters 17.21 and 15.58 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED November 3, 1982.

By M. Keith Ellis
Director

AMENDATORY SECTION (Amending Order 1772, filed 9/28/82)

WAC 16-228-250 APPLICATION RESTRICTIONS. (1) The application of endrin shall be restricted to a swath of four feet on each side of the apple tree row. Application shall be made only with ground equipment that is designed to restrict the spray to the four-foot swath with a minimum of drift.

(2) Spray pressure shall not exceed 50 psi: PROVIDED, THAT when a drift control agent has been added to the spray mixture, the spray pressure shall not exceed ((~~75~~)) 400 psi. Handgun applications using a spray pressure exceeding 75 psi must be made with the operator walking next to the four-foot application swath and spraying from the tractor seat shall be prohibited.

((~~(2)~~)) (3) Applications shall not be made if the wind velocity is more than five miles per hour from any direction.

((~~(3)~~)) (4) Endrin shall not be applied to a snow cover.

WSR 82-22-079
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
[Order 1774—Filed November 3, 1982]

I, M. Keith Ellis, director of Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to application restrictions for the use of endrin, WAC 16-228-250.

I, M. Keith Ellis, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is it has been demonstrated that spray applications of endrin for meadow vole control in apple orchards made with handguns at 75 psi cannot penetrate the cover crop sufficiently to give adequate control. The increased pressure with the use of a drift

WSR 82-22-080
PROPOSED RULES
DEPARTMENT OF NATURAL RESOURCES
[Filed November 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Natural Resources intends to adopt, amend, or repeal rules concerning procedures for forest patrol and special forest fire suppression account assessments, implementing chapter 55, Laws of 1982 1st ex. sess. and RCW 76.04-.360 and 76.04.515;

that the agency will at 9:00 a.m., Thursday, December 9, 1982, in the Public Lands Building, Room 301, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Monday, 11:00 a.m., December 20, 1982.

The authority under which these rules are proposed is RCW 76.04.020.

The specific statute these rules are intended to implement is RCW 76.04.360 and 76.04.515 as amended by chapter 55, Laws of 1982 1st ex. sess.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 6, 1982.

Dated: November 3, 1982
By: Brian J. Boyle
Commissioner of Public Lands

STATEMENT OF PURPOSE

Purpose of Rule: The purpose of this rule is to implement the provisions of chapter 55, Laws of 1982 1st ex. sess. which amended RCW 76.04.360 and 76.04.515. This chapter provided for minimum forest patrol assessments and special forest fire suppression account assessments with an exemption for multiple parcels under thirty acres requiring one minimum assessment payment.

Statutory Authority: RCW 76.04.020.

Summary of Rules and Reasons Therefor: The rules provide a procedure for owners of forest land subject to forest patrol and special forest fire suppression account assessments to obtain the benefits of chapter 55, Laws of 1982 1st ex. sess. which permits an owner of forest land having multiple parcels under thirty acres to pay only one minimum assessment. The rules provide for methods obtaining the exemptions and payment of the minimum assessment.

Proponent of Rules: The Department of Natural Resources.

Agency Personnel Responsible for Drafting: Ken Hoover, Manager, Division of Fire Control, Department of Natural Resources, Public Lands Building, Olympia, Washington 98504, (206) 753-5350, and Fontelle Cunningham, Division of Fire Control, Department of Natural Resources, Public Lands Building, Olympia, Washington 98504, (206) 753-5350;

Implementation: Above personnel together with personnel of the Fire Control Division, Department of Natural Resources, Olympia, Washington. The various county assessors and treasurers; and

Enforcement: All of the above.

NEW SECTION

WAC 332-24-500 FOREST PATROL AND SPECIAL FOREST FIRE SUPPRESSION ACCOUNT ASSESSMENTS - MINIMUM ASSESSMENT EXEMPTION PROCEDURE. (1) An owner of forest land under the provisions of RCW 76.04.360 and .515 who has two or more parcels each containing less than thirty acres in a county, shall comply with the following prescribed procedures in order to obtain the exemption to the minimum forest patrol assessments and the special forest fire suppression account assessments:

(a) Payment to the Department of Natural Resources. The forest landowner may file with the Department of Natural Resources in Olympia, Washington between July 1st and October 15th a list of such parcels that has been certified as accurate by the county assessor and pay the assessment to the Department within ten days of such filing. Under this procedure, the Department will notify the county assessor of the exemptions of such parcels from the minimum assessments on such parcels.

(b) Payment to the County Treasurer. In the alternative, the forest landowner may file with the Department of Natural Resources in Olympia, Washington between October 16th and January 1st a list of such parcels that have been certified as accurate by the county assessor. The forest landowner shall pay to the county treasurer the forest patrol and special forest fire suppression account assessments levied and on county tax statements. The Department of Natural Resources will refund the excess assessments paid upon receipt of certification by the county treasurer of payment of the assessments.

(c) Forest landowners filing with the Department of Natural Resources between dates of July 1st and October 15th who did not submit payment to the Department with such filing will be entitled to the exemption and a refund if they comply with the procedures provided in subsection (b) herein. Such forest landowners shall pay their forest patrol assessments and special forest fire suppression account assessments to the county treasurer.

(2) In the event the total acreage for all parcels filed by a forest landowner in a county exceeds thirty acres the current per acre rates for each assessment will be applied to the total acreage and payable as all other forest patrol and special forest fire suppression account assessments.

WSR 82-22-081
PROPOSED RULES
DEPARTMENT OF NATURAL RESOURCES
(Board of Natural Resources)

[Filed November 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Natural Resources intends to adopt, amend, or repeal rules concerning management of state-owned aquatic lands under the jurisdiction of the Department of Natural Resources, specifically to amend WAC 332-30-142(8)(a);

that the agency will at 1:00 p.m., Thursday, December 9, 1982, in Room 301, Public Lands Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on January 4, 1983.

The authority under which these rules are proposed is RCW 43.30.150.

The specific statute these rules are intended to implement is chapter 79.01 and 79.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 8, 1982.

Dated: November 2, 1982
By: Brian J. Boyle
Secretary, Board of Natural Resources

STATEMENT OF PURPOSE

Title: Amendatory section, Aquatic Land Management, WAC 332-30-142, Piers.

Purpose of Rule: To amend an existing rule regulating the space between adjacent piers on public aquatic land. The amendment specifically exempts commercial and industrial piers from the spacing requirements and specifically addresses new piers intended for recreational use on second class tidelands and shorelands. These new piers may be authorized if more than five times the pier length from any other pier on either side.

Statutory Authority: RCW 43.30.150.

Summary of Rule and Reasons Therefore: The current regulations places undue spacing restriction on water dependent uses which require piers (commercial and

industrial) otherwise permitted by local zoning and shoreline management plans. These undue restrictions can be removed by exempting commercial and industrial piers from the pier spacing requirement.

Drafter of the Rule: Mr. John De Meyer, Division Manager, Division of Marine Land Management, Department of Natural Resources, Olympia, WA 98504, (206) 753-5326;

Implementation and Enforcement of Rule: Mr. John De Meyer, Division of Marine Land Management and the area office and field personnel of the Department of Natural Resources.

Proposer of the Rule: Department of Natural Resources.

Comments or Recommendations: None.

Federal Law of Court Action Citation: No federal laws involved or action required by the courts.

AMENDATORY SECTION (Amending Order 343, filed 7/3/80)

WAC 332-30-142 PIERS. (1) Piers within harbor areas will be authorized as needed to serve the needs of commerce and navigation but may not extend beyond the outer harbor line.

(2) No piers or other fixed structures are permitted within waterways established under RCW 79.01.428.

(3) Multiple use of pier and wharf facilities will be encouraged, rather than the addition of new facilities.

(4) Piers on first class tidelands and shorelands will be permitted as needed for commercial and residential purposes without any restriction as to frequency; however, the length will be restricted as needed so as not to unduly interfere with navigation. The type of structure may be restricted so as to minimize impact on environment and other users.

(5) Public and common use residential piers may be considered on public use – general beaches so designated on selected second class tideland and shoreland tracts.

(6) No piers or structures of any kind are permitted on public use – wilderness beaches so designated on selected second class tideland and shoreland tracts.

(7) Piers may be approved for installation on second class tideland and shoreland tracts not designated as public use beaches. They must follow the pier spacing and length standards.

(8) Pier spacing and length standards:

(a) New piers intended for resort and recreational use on second class tidelands and shorelands extending beyond the line of extreme low tide or line of navigability may be authorized if more than five times the pier length from any other pier on either side.

(b) Leases covering such installations may require that the owner of the pier allow the adjacent shoreline owners to utilize the pier for loading and unloading purposes.

(c) Unauthorized existing piers will be considered as new piers and offered leases which may provide for joint use.

(d) New piers should not extend seaward further than immediately adjacent similar structures except in harbor areas where harbor lines control pier lengths.

(9) Pier design criteria:

(a) Floating piers minimize visual impact and should be used where scenic values are high. However, floating piers constitute an absolute impediment to boat traffic or shoreline trolling and should not be used in areas where such activities are important and occur within the area of the proposed pier. Floating piers provide excellent protection for swimmers from high-speed small craft and may be desirable for such protection.

Floating piers interrupt littoral drift and tend to starve down current beaches. This effect should be considered before approval.

(b) Pile piers have a greater visual impact than do floating piers, and their use should be minimized in areas where scenic values are high. Pile piers cause less interference with littoral drift and do provide a diverse habitat for marine life. In areas where near-shore trolling is important, pile piers should be used with bents spaced 16 feet apart and with a minimum of 5 feet clearance above extreme high tide. Single pile bents are preferred where possible.

WSR 82-22-082
PROPOSED RULES
DEPARTMENT OF GENERAL ADMINISTRATION
(Division of Banking)
[Filed November 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Division of Banking, Department of General Administration, intends to adopt, amend, or repeal rules concerning purchase or sale of United States government securities; amending WAC 50-12-080 and adding new section WAC 50.12.090;

that such agency will at 10:00 a.m., Friday, December 10, 1982, in the Office of the Supervisor of Banking, General Administration Building, Olympia, Washington, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 30.04.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to December 10, 1982, and/or orally at 10:00 a.m., Friday, December 10, 1982, Office of the Supervisor of Banking, General Administration Building, Olympia, Washington.

Dated: November 3, 1982
By: L. O. Malmberg
Deputy Supervisor of Banking

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

The introduction of new financial services and products by financial institutions other than banks, as well as extended interpretations by federal banking regulatory bodies as to the use of these services and products requires immediate response for state chartered banks to remain competitive. Many competitive institutions are offering "sweep" accounts tied to a pool of securities in a retail repurchase agreement. State banks must respond immediately to these competitive pressures or lose valuable customers.

The Division of Banking has previously issued regulations and guidelines for retail repurchase agreements. Questions have arisen, however, concerning their relationship to statutory restrictions on the granting of security interests and assets of the state chartered bank and in dealing in securities.

These rules are promulgated to authorize state banks to enter into retail repurchase agreements with a grant of a perfected security interest to the consumer customer and eliminate doubt with respect to the ability of state banks to do so without violating securities prohibitions.

The rules were drafted and proposed by M. D. Edwards, State Supervisor of Banking, 219 General Administration Building, Olympia, Washington 98502, Telephone (206) 753-6520. Together with his staff, the supervisor will be responsible for the implementation and enforcement of the rules.

Small Business Economic Impact Statement: This statement is filed pursuant to section 4, chapter 6, Laws of 1982, amending Title 34 RCW.

Administrative Order No. 47, approved and adopted on November 3, 1982, was an emergency rule and amends WAC 50-12-080 Purchase or Sale of Securities -- Resale or Repurchase Agreement.

An analysis has been made of compliance required for small business under provisions of chapter 6, Laws of 1982. Compliance requirements under the emergency rule will not be disproportionate nor create an adverse economic impact on small businesses operating under the rules.

AMENDATORY SECTION (Amending Order 28, filed 9/10/74)

WAC 50-12-080 PURCHASE OR SALE OF UNITED STATES GOVERNMENT SECURITIES—RESALE OR REPURCHASE AGREEMENT. The purchase or sale of securities of the United States government and agencies thereof, or a fractional undivided interest therein by a bank, under an agreement or agreements to resell or repurchase the interest transferred, or a portion thereof, at the end of a stated period, ((~~is not a borrowing subject to RCW 30.04.140 nor an obligation subject to the lending limit of RCW 30.04.110~~)) shall not constitute an obligation subject to the lending limit of RCW 30.04.110, an indebtedness or liability of the bank within the meaning of RCW 30.04.150, a borrowing for the purposes of reloaning within the meaning of RCW 30.04.160, nor a pledge or hypothecation of securities or assets of the bank to a depositor or creditor within the meaning of RCW 30.04.140.

NEW SECTION

WAC 50-12-090 PURCHASE OR SALE OF UNITED STATES GOVERNMENT SECURITIES SOLELY FOR CUSTOMERS' ACCOUNT NOT WITHIN PURVIEW OF RCW 30.04-.200. The provisions of RCW 30.04.200 shall not prohibit banks or the officers or employees thereof in the course of their employment from purchasing and selling securities and stocks without recourse, solely upon the order and for the account of customers of the bank, or from dealing in, underwriting and purchasing for the account of the bank obligations of, or obligations guaranteed as to principal and interest by, the United States or agencies thereof or of any state or political subdivision thereof.

WSR 82-22-083
EMERGENCY RULES
DEPARTMENT OF GENERAL ADMINISTRATION
(Division of Banking)

[Order 47—Filed November 3, 1982]

I, Michael D. Edwards, Supervisor of Banking, do promulgate and adopt at Olympia, Washington, the annexed rules relating to purchase or sale of United States government securities, amending WAC 50-12-080 and adding new section WAC 50-12-090.

I, Michael D. Edwards, Supervisor of Banking, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is rapid development of new banking services and products requires immediate response for state banks to remain competitive. Many competitive institutions are offering "sweep" accounts tied to a pool of securities in a retail repurchase agreement. This office has previously issued regulations and guidelines for retail repurchase agreements. However, questions have arisen concerning their relationship to statutory restrictions on the granting of security interests and assets of the bank and in dealing in securities. Therefore, these regulations are promulgated to authorize state banks to enter into retail repurchase agreements with a grant of a perfected security interest to the consumer customer and to eliminate doubt with respect to the ability of the banks to do so without violating securities prohibitions. State banks must respond immediately to these competitive pressures or lose valuable customers. Therefore, these rules are promulgated on an emergency basis.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 30.04.030 which directs that the Supervisor of Banking has authority to implement the provisions of Title 30 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED November 3, 1982.

By Michael D. Edwards
Supervisor of Banking
By L. O. Malmberg
Deputy Supervisor

AMENDATORY SECTION (Amending Order 28, filed 9/10/74)

WAC 50-12-080 PURCHASE OR SALE OF UNITED STATES GOVERNMENT SECURITIES—RESALE OR REPURCHASE AGREEMENT. The purchase or sale of securities of the United States government and agencies thereof, or a fractional undivided interest therein by a bank, under an agreement or agreements to resell or repurchase the interest transferred, or a portion thereof, at the end of a stated period, ((~~is not a borrowing subject to RCW 30.04.140 nor an obligation subject to the lending limit of RCW 30.04-.110~~)) shall not constitute an obligation subject to the lending limit of RCW 30.04.110, an indebtedness or liability of the bank within the meaning of RCW 30.04-.150, a borrowing for the purposes of reloaning within the meaning of RCW 30.04.160, nor a pledge or hypothecation of securities or assets of the bank to a depositor or creditor within the meaning of RCW 30.04.140.

NEW SECTION

WAC 50-12-090 PURCHASE OR SALE OF UNITED STATES GOVERNMENT SECURITIES SOLELY FOR CUSTOMERS' ACCOUNT NOT WITHIN PURVIEW OF RCW 30.04.200. The provisions of RCW 30.04.200 shall not prohibit banks or the officers or employees thereof in the course of their employment from purchasing and selling securities and

stocks without recourse, solely upon the order and for the account of customers of the bank, or from dealing in, underwriting and purchasing for the account of the bank obligations of, or obligations guaranteed as to principal and interest by, the United States or agencies thereof or of any state or political subdivision thereof.

WSR 82-22-084
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Filed November 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning:

Amd	WAC 356-06-010	Definitions ("seniority" and *"termination leave").
Amd	WAC 356-18-100	Accrued vacation leave disposition—Computation—How made.
New	*WAC 356-18-105	Termination leave.
Amd	WAC 356-22-070	Applications—Disqualifications.
Rep	WAC 356-30-146	Project employment—CETA—Title II and VI.
Amd	WAC 356-30-210	Transfer—Between agencies—Restrictions.
Amd	WAC 356-46-010	Political activity—Regulations;

that the agency will at 10:00 a.m., Thursday, December 9, 1982, in the Board Hearing Room, Department of Personnel, 600 South Franklin, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150 and *SSB 5007.

Dated: November 3, 1982
By: Leonard Nord
Secretary

STATEMENT OF PURPOSE

Amend WAC 356-06-010.

Title: Definitions, ("seniority" and "termination leave").

Purpose: Defines common words and terms used throughout Title 356 WAC.

Statutory Authority: RCW 41.06.150 and SSB 5007 ("termination leave").

Summary: The proposed revision to the definition of "seniority" would allow for the crediting of time spent on leaves of absences to ease reduction-in-force situations in general.

Reasons: To support the administration requests for employees to voluntarily take leave of absence.

Responsibility for Drafting: Bill B. Turney, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 753-7125; Implementation: All agencies; and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Summary: Proposal for the new term of "termination leave" would define a new type of leave which is being introduced to the merit system.

Reasons: To provide a method by which employees may liquidate accrued vacation leave after separation (to implement provision in SSB 5007).

Responsibility for Drafting: Al Gonzales, Department of Social and Health Services, Office Building #2, MS: OB-14, Olympia, WA, Phone: 753-5184; Implementation: All agencies; and Enforcement: Department of Personnel.

Proposed by: Department of Social and Health Services, governmental agency.

Comments: This rule, if approved, will simplify the administration of SSB 5007.

Amend WAC 356-18-100.

Title: Accrued Vacation Leave Disposition—Computation—How Made.

Purpose: States how unused vacation leave will be credited upon separation from state service.

Statutory Authority: RCW 41.06.150.

Summary: the proposed change is of a housekeeping nature only.

Reasons: The current rule makes reference to WAC 356-30-045, which was recently repealed. The proposal deletes this rule and adds the correct WAC reference in its place.

Responsibility for Drafting: Roger Sanford, Unit Manager, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 753-5928; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

New WAC 356-18-105.

Title: Termination Leave.

Purpose: To provide a method by which employees may liquidate accrued vacation leave after separation.

Statutory Authority: RCW 41.06.150 and SSB 5007.

Summary: This proposal provides a method by which employees may liquidate accrued vacation leave after separation. It further clarifies whether additional benefits will accrue as a result of this kind of leave.

Reasons: To implement provisions of SSB 5007.

Responsibility for Drafting: Al Gonzales, Department of Social and Health Services, Office Building #2, MS: OB-14, Olympia, WA, Phone: 753-5184; Implementation: All agencies; and Enforcement: Department of Personnel.

Proposed by: Department of Social and Health Services, governmental agency.

Comments: This rule, if approved, will simplify the administration of SSB 5007.

Amend WAC 356-22-070.

Title: Applications—Disqualifications.

Purpose: States reasons for which an applicant may be removed from a register or not allowed to take an examination.

Statutory Authority: RCW 41.06.150.

Summary: This proposal would allow the director of the Department of Personnel to remove the name of an applicant who was recently reverted from a position with the same or similar duties at the request of an agency.

Reasons: Reverted applicants have been certified to positions with the same or similar duties after recent reversion and the Merit System Rules do not provide a method for removing their names.

Responsibility for Drafting: Al Gonzales, Department of Social and Health Services, Office Building #2, MS: OB-14, Olympia, WA, Phone: 753-5184; Implementation: All agencies; and Enforcement: Department of Personnel.

Proposed by: Department of Social and Health Services, governmental agency.

Repeal WAC 356-30-146.

Title: Project Employment—CETA—Title II and VI.

Purpose: States rights of employees hired under the federal Comprehensive Employment and Training Act.

Statutory Authority: RCW 41.06.150.

Summary and Reasons: The proposal to repeal this rule is due to the fact that the funding for the federal Comprehensive Employment and Training Act was cut by the federal government; therefore, this rule no longer applies to state agencies.

Responsibility for Drafting: Roger Sanford, Unit Manager, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 753-5928; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-30-210.

Title: Transfer—Between Agencies—Restrictions.

Purpose: States the procedures for transferring permanent employees between agencies.

Statutory Authority: RCW 41.06.150.

Summary: Revision would not allow administrative transfers in view of available reduction-in-force candidates.

Reasons: The Personnel Appeals Board concluded in Declaratory Ruling No. 82-1 that reduction-in-force candidates were to be considered before administrative transfers or voluntary demotions could take place for filling of vacant positions.

Responsibility for Drafting: Roger Sanford, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 753-5928; Implementation: All state agencies; and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-46-010.

Title: Political Activity—Regulations.

Purpose: States employees rights and prohibitions regarding political activities.

Statutory Authority: RCW 41.06.150.

Summary: The proposed revision is for housekeeping purposes only; updates name change (i.e., United States Civil Service Commission is now the United States Office of Personnel Management).

Reasons: Same as above.

Responsibility for Drafting: Roger Sanford, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 753-5928; Implementation and Enforcement: All state agencies.

Proposed by: Department of Personnel, governmental agency.

AMENDATORY SECTION (Amending Order 175, filed 9/22/82)

WAC 356-06-010 DEFINITIONS. The following definitions apply throughout these rules unless the context clearly indicates another meaning:

ACTING APPOINTMENT - An appointment of limited duration made from within the classified service to a supervisory or managerial position.

ADMINISTRATIVE PERSONNEL - Employees who regularly exercise discretion and independent judgment in the performance of: (1) Work related directly to management policy; or (2) work providing direct assistance to executive or administrative personnel.

AGENCY - An office, department, board, commission, or other separate unit or division, however designated, of the state government and all personnel thereof. It includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature.

AGRICULTURAL PERSONNEL - Employees performing work which includes farming and all its branches, including cultivating the soil, or growing or harvesting crops, or raising livestock, bees, fur-bearing animals, or poultry; or doing any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations.

ALLIED REGISTER - A register for a class for which the duties and minimum or desirable qualifications are equivalent to or above those for another class.

ALLOCATION - The assignment of a position to a job classification.

ANNIVERSARY DATE - Original entry date into state service as adjusted by leave without pay or break in service.

APPOINTING AUTHORITY - A person or group of persons lawfully authorized to make appointments.

BARGAINING UNIT - The group of employees in positions determined by the personnel board to constitute a unit appropriate for collective bargaining purposes under these rules.

BASIC SALARY RANGE - The dollar amount of the step of the salary range to which the employee is entitled, before any deduction, and exclusive of additional compensation of any kind.

BOARD - The state personnel board.

BUMPING - The replacement of an incumbent by another employee subject to reduction-in-force, who has greater seniority.

CAREER PLANNING - A programmed process designed to assist employee career growth through job experience, training and/or continuing education.

CERTIFICATION - Providing an agency with the appropriate number of names of candidates who have passed the examination for a given class and are eligible to be considered for vacancies.

CLASS - Identification of a position, or a group of positions, sufficiently similar in duties so that the same requirements of training, experience, or skill and the same title, examination, and salary range may be applied.

CLASSIFIED SERVICE - All positions and employees in the state service subject to the provisions of chapter 41.06 RCW and these rules.

COLLECTIVE BARGAINING OR COLLECTIVE NEGOTIATION - The performance of the mutual obligation of the appointing authority, or designee, and the certified exclusive representative of a bargaining unit to meet in an attempt to reach an agreement on all personnel matters over which the appointing authority may lawfully exercise discretion.

COMPENSATORY TIME - Time off in lieu of cash payment for overtime.

COMPETITIVE SERVICE - All positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

DATE OF ELECTION - The date of election is the date the director of personnel certifies the results of the election.

DEMOTION – A change of a permanent employee from a position in one class to a position in another class having a lower maximum salary.

DESIRABLE QUALIFICATIONS – The levels of education and/or experience deemed desirable or preferable for admission to the examination in lieu of fixed minimum qualifications.

DIRECTOR – The director of the department of personnel.

DISABILITY – An employee's bodily inability to perform adequately the essential duties of the job class. (For purposes of WAC 356–35–010, this definition shall not include maternity.)

DISMISSAL – The termination of employment of a permanent employee (for cause) or of a probationary employee as specified in these rules.

EDUCATION LEAVE OF ABSENCE – An authorized leave of absence for educational purposes.

ELEVATION – Restoring an employee to the higher classification, with permanent status, which was held prior to being granted a demotion.

ELIGIBLE – An applicant whose name is on a register.

EMERGENCY APPOINTMENT – An appointment, for emergency reasons, not to exceed 60 calendar days.

EMPLOYEE – Any person employed under the jurisdiction of these rules.

EMPLOYEE ORGANIZATION – Any organization having the authority, as specified in WAC 356–42–010, to represent state employees on personnel matters.

EXECUTIVE PERSONNEL (As used in chapter 15 of these rules) – Employees who customarily and regularly exercise discretionary powers in directing and controlling program operations of an agency or division or customarily recognized subdivision thereof and personnel who are responsible for (1) hiring or firing or making substantial recommendation for same and (2) directing the work of and (3) regulating the working hours of two or more employees.

EXEMPT POSITION – Any position designated as exempt from the application of these rules as specified in WAC 356–06–020.

FULL TIME EMPLOYMENT – Regularly scheduled employment requiring an average of 40 hours of work per week. However, for certification from a register, work between 32 – 40 hours per week shall be considered full time.

HANDICAPPED – Persons with physical, mental or sensory impairments that would impede that individual in obtaining and maintaining permanent employment and promotional opportunities. The impairments must be material rather than slight; static and permanent in that they are seldom fully corrected by medical replacement, therapy or surgical means.

HOLIDAYS – Paid nonwork days for state employees as established by RCW 1.16.050.

HOUSED PERSONNEL – Employees whose duties require that they reside at the place of their employment or who otherwise spend a substantial portion of their work time subject to call and not engaged in the performance of active duties.

HUMAN RESOURCE DEVELOPMENT – The function of achieving agency goals by changing or enhancing employees' knowledges, skills, attitudes and behaviors.

INTERMITTENT EMPLOYMENT – Employment without any understanding of continuity, fitting no particular pattern and performed for no more than a total of (nine months) 1560 hours during any consecutive 12–month period.

INTERVENING SALARY STEPS – All increment steps in a salary range, except the lowest and highest.

LAW ENFORCEMENT PERSONNEL – Employees empowered by statute to enforce laws designed to maintain public peace and order, protect life and property, and detect and prevent crimes. Employees in these positions must have the power of arrest, and have been trained in rules of evidence, laws of arrest, search and seizure and legal rights of citizens.

MINIMUM QUALIFICATIONS – The training, experience, and other qualifications established for a given class and required of an applicant for admission to the examination for that class.

NONCOMPETITIVE POSITIONS – Positions designated by the board as not requiring a competitive examination.

ORIENTATION – An introduction to the organization and to tasks, jobs, procedures and other activities new to the employee.

OVERTIME – Work authorized and performed in accordance with WAC 356–15–030.

PART TIME EMPLOYMENT – Work of less than 40 hours per week. However, for certification from registers, work of less than 32 hours per week shall be considered part time.

PERIODIC INCREMENT DATE – The date established in accordance with the Merit System Rule on which an employee is entitled to a salary increase within a salary schedule range as prescribed in the merit system rules.

PERMANENT EMPLOYEE – An employee who has successfully completed a probationary period and has had no break in service.

PERSONNEL RECORD – Such information having pertinence to the employment of an employee and which is retained in a specific location as required by WAC 356–46–060(2)A.

POSITION – A group of duties and responsibilities normally assigned to an employee. Such position may be filled or vacant, full–time or part–time, seasonal, temporary or permanent.

PREMIUM PAYMENT – Wage payment over and above the basic salary rate authorized by the board for extraordinary conditions of employment.

PROBATIONARY PERIOD – The trial period of employment following certification and appointment to, or reemployment in, the classified service and continuing for 6 to 12 months as determined under the provisions of WAC 356–30–260.

PROFESSIONAL PERSONNEL – Employees performing work which requires consistent exercise of independent judgment and is in a specialized field requiring advanced knowledge normally gained through achieving a baccalaureate degree but which may be gained through equivalent experience.

PROJECT EMPLOYMENT – A program designated by the director of personnel as "project employment", that is separately financed by a grant, federal funds, or by state funds, or by a combination of funds to provide training or employment opportunities or expertise or additional employees to carry out a specific project or goal and which, either because of the nature of the project, funding requirements, or potential harmful impact on employment opportunities for regular civil service employees, cannot be facilitated through the regular civil service system. Such a program may last upward to two years and beyond, but has an end in sight.

PROMOTION – A change of an employee from a position in one class to a position in a class having a higher maximum salary.

PROVISIONAL APPOINTMENT – An appointment to a position pending the establishment of a register for that class.

REDUCTION–IN–FORCE – A separation resulting from a lack of funds, lack of work, good faith reorganization for efficiency purposes, or from there being fewer positions than the employees entitled to the positions because of exercising their rights to return to the classified service. When a reduction–in–force occurs, it is a separation from service without cause on the part of the employee.

REDUCTION – Placement of an employee's salary at a lower step within the range as a result of a disciplinary action.

REEMPLOYMENT – An appointment, made from the reemployment register, of a former employee who had permanent status.

REGISTER – A list of eligible names established for employment or reemployment in a class.

REINSTATEMENT – Return of an employee to full employment rights by board action following appeal hearing.

RESIGNATION – A voluntary separation from employment.

REVERSION – Voluntary or involuntary movement of an employee during a six–month trial service period to the class which was held prior to the current trial service appointment.

SALARY RANGE – A sequence of minimum, intervening, and maximum dollar amounts designated by the board as the monthly compensation for a class.

SEASONAL EMPLOYMENT – Work that is cyclic in nature beginning and ending at approximately the same time every year and lasting for no more than nine months.

SENIORITY – A measure of the last period of unbroken time served in positions in the classified service under the jurisdiction of the state personnel board. Service in positions brought under the jurisdiction of the state personnel board by statute is counted as though it had previously been under the jurisdiction of the state personnel board. Leaves of absence granted by agencies and separations due to reduction–in–force are not considered a break in service. Time spent on leaves of absence without pay is not credited unless it is for educational leaves, or statutes require it be credited; or it is taken at the specific request of an agency so employees may perform work specifically related to state work. Time spent off the state payroll due to reduction–in–force will be credited for that period of time the employee is eligible

to be placed on the ((~~RIF~~)) reduction-in-force register. Leaves without pay granted to directly or indirectly reduce the possible effect of ((~~an agency~~)) reduction-in-force will be credited in accordance with WAC 356-18-140 and 356-18-220. Leaves of absence without pay granted to employees who are drawing worker's compensation because of injury or illness while employed by the state will be credited. Time spent in exempt appointments listed in RCW 41.06.070 will be credited and the service will not be regarded as broken when employees return from exempt service in accordance to RCW 41.06.070(22), WAC 356-06-055((~~, 356-30-045~~)) and 356-30-330. Time spent under the jurisdiction of the higher education personnel board will be added when the employee comes under the jurisdiction of the state personnel board through the provisions of WAC ((~~356-06-055(4)~~)) 356-06-055(6). The length of active military service of a veteran, not to exceed five years, shall be added to the state service for such veteran or his widow.

SERIES - A group of classes of positions to which the same kind of work is assigned but which is at different levels of difficulty and responsibility.

SUPERVISOR - Any employee assigned responsibility by management to participate in all the following functions with respect to their subordinate employees: (1) Selection of staff, (2) training and development, (3) planning and assignment of work, (4) evaluation of performance, and (5) corrective action. Participation in these functions must not be of a merely routine nature but requires the exercise of individual judgment.

SUSPENSION - An enforced absence without pay for disciplinary purposes.

TANDEM EMPLOYMENT - Any position filled by more than one employee as voluntarily agreed between management and employee(s) who jointly fulfill the responsibilities and duties of the position(s).

TEMPORARY EMPLOYMENT - Single or multiple periods of employment during the absence of a permanent employee on leave; or for work done at a workload peak and normally lasting for less than nine months and having an end in sight.

TERMINATION - Separation from employment for reasons beyond the control of the employee.

TERMINATION LEAVE - The paid hours of nonworking time taken by an employee who is not eligible to receive a lump sum cash payment for accrued vacation leave. Termination leave is taken following the last designated work day prior to an employee's resignation, dismissal, or separation due to reduction-in-force or disability and continuing until all the employee's accrued vacation leave is exhausted.

TRAINING - An organized learning process designed to provide needed changes in the skills, knowledges, attitudes or behaviors of employees.

TRANSFER - The change of an employee from one to another classified position having the same salary range number.

TRIAL SERVICE PERIOD - A six-month trial period of employment of a permanent employee beginning with the effective date of the promotion or demotion or appointment from the promotional register.

TUITION REIMBURSEMENT - A full or partial reimbursement to eligible employees by the employing agency for tuition paid to attend approved courses.

UNDERFILL - The filling of a position with an employee in a lower related class in the absence of an adequate eligible register for the classification.

UNION SHOP - A form of union security that requires that all employees within a bargaining unit become members of the certified bargaining representative within 30 calendar days of the union shop election or 30 calendar days from an employee's date of hire, whichever is later.

UNION SHOP FEE - The union shop fee, sometimes known as a representation fee, is the fee paid by an employee to a union shop representative in lieu of holding membership in that union. An employee who has been certified for nonmembership status because of bona fide religious tenets of a church or religious body of which the employee is a member, shall pay a fee equivalent to the regular monthly dues of the union shop representative minus any included monthly premiums for union sponsored insurance programs.

UNION SHOP REPRESENTATIVE - A union shop representative is an employee organization that is certified as exclusive bargaining representative for a bargaining unit and which has also been certified as union shop representative by the director of personnel. To be certified as union shop representative, a majority of all employees in the bargaining unit must vote in favor of having the petitioning employee organization as their union representative.

VETERAN - For the purpose of granting preference during layoffs and subsequent reemployment, any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge is given: PROVIDED, That the person has not voluntarily retired with 20 or more years of active military service and has military retirement pay in excess of $500 per month.

VETERAN'S WIDOW - For the purpose of granting preference during layoffs and subsequent reemployment, the unremarried wife of a deceased veteran as defined in WAC 356-06-010 except that such veteran's one-year minimum length of active military service shall be disregarded.

VOLUNTEER EXPERIENCE - Work experience for which no salary was received, which may be credited toward meeting the minimum qualifications for a classification: Provided such experience is equivalent to and not prohibited by the minimum qualifications of the classification. Volunteer experience for which academic credit was granted may be used to satisfy either the educational or the experience requirements of a class, but may not be used for both.

WORK DAY - A 24-hour period beginning at a time determined by the appointing authority. For scheduled standard work period positions the work day begins at the scheduled starting time of the employee.

WORK PERIOD DESIGNATION - Identification of each classification's and position's criteria for hours of work as defined in WAC 356-15-020 and qualifications for premium pay as defined in chapter 356-15 WAC.

WORK SCHEDULE - A series of workshifts and work days within the workweek.

WORKSHIFT - Scheduled working hours within the workday.

WORKWEEK - A regular recurring period of 168 hours beginning at a time determined by the appointing authority and continuing for seven consecutive 24-hour periods. For scheduled standard work period positions the workweek begins at the scheduled starting time of the first shift of the employee's uniform shifts.

Y-RATE - A salary amount which either exceeds the maximum step for the salary range of an employee's class or a salary amount that falls between the steps of a salary range of an employee's class.

AMENDATORY SECTION (Amending Order 175, filed 9/22/82)

WAC 356-18-100 ACCRUED VACATION LEAVE DISPOSITION—COMPUTATION—HOW MADE. (1) When an employee who is a member of the public employees retirement system Plan 1 separates from service by reason of resignation, layoff, dismissal, retirement or death, he or she is entitled to a lump sum cash payment of all unused vacation leave. The compensation shall be computed by using the formula published by the office of financial management.

(2) When an employee who is not a member of the public employees retirement system Plan 1 separates from service by reason of resignation, layoff, dismissal, or retirement, agencies or departments shall provide methods whereby all accumulated vacation leave may be taken as vacation leave. In the case of death, compensation for unused vacation leave shall be computed and paid as prescribed by the office of financial management. No lump sum cash payment for unused vacation leave shall be made upon termination of employment, except for vacation leave earned prior to July 1, 1982 or in case of death.

(3) Employees may defer the payment of their accumulated vacation leave for which otherwise entitled for a period of 30 working days if the separation resulted from a reduction-in-force and there is a reasonable probability of reemployment, or if the separation resulted from employees returning to classified positions from exempt positions under the provision of RCW 41.06.070(22), ((~~RCW~~)) 41.06.100, or WAC ((~~356-30-045~~)) 356-06-055.

(4) If employees are paid for the accumulated vacation leave and are reemployed within the period of time represented by the number of days for which vacation pay was received, employees must return the payment for the remaining vacation days. Employees will be credited with the number of vacation days represented by the returned payments at the rate of their last salary.

(5) The separation cited in subsection (3) ((~~above~~)) of this section will not be regarded as a break in service for purposes of computing

the rates of crediting vacation leave prescribed in WAC 356-18-090, provided the employees return to employment other than by certification from the open competitive register.

NEW SECTION

WAC 356-18-105 TERMINATION LEAVE. (1) Employees who separate from the state service (voluntarily or involuntarily, except by death) and are not members of the public employees retirement system Plan 1 shall exhaust their accrued vacation leave to which they are entitled by taking termination leave.

(2) Termination leave time shall not be credited toward sick leave, periodic increments, or seniority.

(3) Employees may not take accrued sick leave during the period of termination leave.

AMENDATORY SECTION (Amending Order 120, filed 5/12/78)

WAC 356-22-070 APPLICATIONS—DISQUALIFICATION. The director of personnel is expected to follow accepted standards of personnel practice in screening applicants and may refuse to examine an applicant, or, after examination, may disqualify such applicant or remove his/her name from a register or certification or refuse to certify any person otherwise eligible on a register if:

(1) The applicant is found to lack any of the requirements established for the class.

(2) The applicant is so disabled as to be rendered unfit to perform the duties of the class.

(3) The applicant is addicted to the use of narcotics, or the habitual excessive use of intoxicating liquors.

(4) The applicant has been convicted of any infamous crime, a crime involving moral turpitude, or any crime which would be grounds for dismissal from the position for which ((~~he[/]she~~)) he/she is applying.

(5) The applicant has made a false statement of material fact in the application.

(6) The applicant has previously been dismissed or requested to resign from private or public service for delinquency, misconduct, inability to do similar work, or any other such cause directly bearing upon fitness as an employee.

(7) The applicant reverted from a position with the same or similar duties, and the prospective employing agency requests such actions and indicates the reason for the request.

(8) The applicant has used, or attempted to use, bribery to secure an advantage in the examination or appointment.

((~~(8)~~)) (9) The applicant has directly or indirectly obtained information regarding examinations to which he/she was not entitled.

((~~(9)~~)) (10) The applicant has otherwise violated provisions of these rules.

((~~(10)~~)) (11) The applicant has taken part in the compilation, administration or correction of the examination.

AMENDATORY SECTION (Amending Order 123, filed 9/26/78)

WAC 356-30-210 TRANSFER—BETWEEN AGENCIES—RESTRICTIONS. The transfer of a permanent employee between agencies, within class or between classes (subject to the limitations of WAC 356-30-200), may be made at any time with the approval of the appointing authorities concerned, provided ((~~employees who have been separated due to reduction in force and employees who have been notified that they are scheduled for reduction-in-force have first been offered the transfer in accordance with their seniority~~)) there would not be a full referral of reduction-in-force candidates available to the agency. Report of the transfer shall be made to the director of personnel. Employees who transfer under the provisions of this section shall not serve a trial service period and shall be permanent employees of the gaining agency. For purposes of this section, each institution and branch office may be considered an agency.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 356-30-146 PROJECT EMPLOYMENT—CETA—TITLE II AND VI.

AMENDATORY SECTION (Amending Order 123, filed 9/26/78)

WAC 356-46-010 POLITICAL ACTIVITY—REGULATIONS. (1) Solicitation for or payment to any partisan, political organization or for any partisan, political purpose of any compulsory assessment or involuntary contribution is prohibited: PROVIDED, HOWEVER, That officers of employee organizations shall not be prohibited from soliciting dues or contributions from members of their organization. No person shall solicit on state property any contribution to be used for partisan, political purposes.

(2) Employees shall have the right to vote and to express their opinions on all political subjects and candidates and to hold any political party office or participate in the management of a partisan, political campaign. Nothing in this section shall prohibit an employee from participating fully in campaigns relating to constitutional amendments, referendums, initiatives, and issues of a similar character, and for nonpartisan offices.

(3) A classified civil service employee shall not hold a part-time public office in a political subdivision of the state when the holding of such office is incompatible with, or substantially interferes with, the discharge of official duties in state employment as determined by the appointing authority.

(4) The rules and regulations of the United States ((~~Civil Service Commission~~)) Office of Personnel Management which pertain to political activities may apply to some employees. Persons engaged in federal loans or grants-in-aid programs should inquire about their own situations and contemplated activities.

WSR 82-22-085
PROPOSED RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed November 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health services intends to adopt, amend, or repeal rules concerning:

Amd	WAC 388-86-005	Services available to recipients of medical assistance.
New	WAC 388-86-071	Private duty nursing services.
Amd	WAC 388-87-027	Services requiring prior approval by state office.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director
Division of Administration
Department of Social and Health Services
Mailstop OB 33-C
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by November 23, 1982. The meeting site is in a location which is barrier free;

that the agency will at 10:00 a.m., Tuesday, December 7, 1982, in the Building and Grounds Conference Room, Service Level, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 15, 1982.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 7, 1982.

Dated: November 3, 1982
By: David A. Hogan
Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-86-005, 388-87-027 and adding new section WAC 388-86-071.

Purpose of the Rule or Rule Change: To make private duty nursing services available to eligible recipients of medical assistance and to increase the limit on purchase of medical equipment not requiring prior approval from $500 to $1,000.

Statutory Authority: RCW 74.08.090.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: James Sparks, Program Manager, Division of Medical Assistance, Mailstop: LK-11, Phone: 3-7313.

These rules are not necessary as a result of federal law, federal court decision, or state court decision.

AMENDATORY SECTION (Amending Order 1801, filed 5/5/82)

WAC 388-86-005 SERVICES AVAILABLE TO RECIPIENTS OF MEDICAL ASSISTANCE. (1) For recipients of medical assistance (MA) categorically needy only, the department shall authorize early and periodic screening diagnosis and treatment services including dental, vision, and hearing services, to eligible individuals under twenty-one years of age, family planning services, home health agency services, inpatient and outpatient hospital care, other laboratory and x-ray services, skilled nursing home care, and physicians' services in the office or away from the office as needed for necessary and essential medical care. The department may authorize medically justified ambulance service and other approved transportation.

(2) The following additional services shall also be authorized when medically necessary: Anesthetization services; blood; dental services to EPSDT recipients; drugs and pharmaceutical supplies; eyeglasses and examination; hearing aids and examinations; oxygen; physical therapy services; ((~~special duty~~)) private duty nursing services; surgical appliances, prosthetic devices, and certain other aids to mobility.

(3) Treatment, transplants, dialysis, equipment and supplies for acute and chronic nonfunctioning kidneys are provided in the home, hospital and kidney center. See WAC 388-86-050(5).

(4) Organ transplants, other than kidney transplants are not provided as a part of physician services or hospital care authorized under the medical assistance program.

(5) Treatment to detoxify narcotic addiction cases in a hospital or on an outpatient basis is not provided as a part of the medical care program. The department will provide treatment for concurrent diseases and complications.

(6) Detoxification of an acute alcoholic condition will be provided only in a certified detoxification center or in a general hospital with certified detoxification facilities.

(7) The following medical services are not provided:

(a) Adult dental services, and

(b) Chiropractic services,

(c) Treatment of tuberculosis. See WAC 388-86-050(5).

(8) Treatment for obesity is not provided as part of the medical care program. The department will provide treatment for concurrent diseases and complications.

(9) Where evidence is obtainable to establish medical necessity, as defined in WAC 388-80-005, the department shall approve the request if the recipient or provider submits sufficient objective clinical information (including, but not limited to, a physiological description of the disease, injury, impairment or other ailment; pertinent laboratory findings; x-ray reports; and patient profiles).

(10) A request for medical services may be denied by the department if the requested service is not medically necessary as defined by WAC 388-80-005, is generally regarded by the medical profession as experimental in nature or as unacceptable treatment, unless the recipient can demonstrate through sufficient objective clinical evidence the existence of particular circumstances which render the requested service medically necessary.

(11) The department shall approve or deny all requests for medical services within fifteen days of the receipt of the request, except that if additional justifying information is necessary before a decision can be made, the request shall be neither approved nor denied but shall be returned to the provider within five working days of the original receipt. If additional justifying information is not returned within thirty days of the date it was returned to the provider, then the original request shall be approved or denied. However, if such information is returned to the department, the request shall be acted upon within five working days of the receipt of the additional justifying information.

(12) Whenever the department denies a request for medical services the department shall, within five working days of the decision, give written notice of the denial to the recipient and the provider. In order to fully inform the recipient, the notice shall state:

(a) The specific reasons for the department's conclusion to deny the requested service.

(b) If a fair hearing is requested, a medical assessment other than that of the person or persons involved in making the original decision may be obtained at the expense of the department of social and health services, and instructions on how to obtain such assessment.

(c) The recipient has a right to a fair hearing if the request is made within ninety days of receipt of the denial, with the instruction on how to request the hearing.

(d) The recipient may be represented at the hearing by legal counsel or other representative.

(e) That upon request, the CSO shall furnish the recipient the name and address of the nearest legal services office.

(13) The limited casualty program-medically needy is defined in chapter 388-99 WAC, and the limited casualty program-medically indigent is defined in chapter 388-100 WAC.

(14) The department has the authority to require a second opinion prior to the approval of any elective surgical procedure.

(15) The department may designate those surgical procedures which can be performed in other than a hospital in-patient setting. Where the patient has a medical condition which necessitates a hospital admission, prior approval by the local medical consultant must be obtained.

NEW SECTION

WAC 388-86-071 PRIVATE DUTY NURSING SERVICES. Private duty nursing services may be approved when:

(1) The individual would otherwise be institutionalized;

(2) The care is provided in a noninstitutional setting;

(3) The patient requires more individual and continuous nursing care than is available through home health nursing services;

(4) Provided by a registered or licensed practical nurse under the direction of a physician;

(5) The services are the least costly alternative to care in a medical institution; and

(6) Prior approval is obtained from the office of the medical director.

AMENDATORY SECTION (Amending Order 1725, filed 12/3/81)

WAC 388-87-027 SERVICES REQUIRING PRIOR APPROVAL BY STATE OFFICE. (1) The following services requiring approval of the local medical consultant shall also receive prior approval ((~~of the chief~~)) of the office of the medical ((~~policy and procedure~~)) director:

(a) Nonemergent surgical procedures - see WAC 388-86-095;

(b) Prosthetic devices and durable medical equipment and nonreusable medical equipment costing more than ((~~five hundred~~)) one thousand dollars;

(c) All out-of-state air transportation.

(2) With the exception of prosthetic devices and major appliances, subsection (1) of this section, does not apply to CSOs or regions which have full-time medical consultants who are authorized to give approval.

(3) The medical director or designee may approve where there are significant handicapping factors:

(a) The purchase of a hearing aid when the 50 decibel loss in the better ear is not met; or

(b) A second hearing aid and/or a replacement.

(4) ((~~All out-of-state air transportation~~)) Private duty nursing services require prior approval of the office of the medical director.

WSR 82-22-086
PROPOSED RULES
HUMAN RIGHTS COMMISSION
[Filed November 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Human Rights Commission intends to adopt, amend, or repeal rules concerning WAC 162-26-080 reasonable accommodation; 162-26-100 structural barriers to accessibility (public accommodation); 162-38-070 structural barriers to accessibility (real estate transactions); and a new section in chapter 162-26 WAC (public accommodations, handicap discrimination) to the same effect as WAC 162-38-120, unfair to request or require waiver of rights.

Shown below is a revised draft of proposed WAC 162-26-080, 162-26-100 and 162-38-070, originally filed under Notice No. WSR 82-12-053 on June 1, 1982, as well as newly proposed WAC 162-26-140;

that the agency will at 9:30 a.m., Thursday, December 9, 1982, in State Office Building No. 2, Room F-20, 2nd Floor, 12th and Franklin, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 49.60.120(3).

The specific statute these rules are intended to implement is RCW 49.60.215, 49.60.222, 49.60.223, 49.60-.224, 49.60.225 and 49.60.226.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 9, 1982.

This notice is connected to and continues the matter in Notice Nos. WSR 82-12-053, 82-16-070 and 82-19-061 filed with the code reviser's office on June 1, 1982, August 2, 1982, and September 17, 1982.

Dated: November 3, 1982
By: Morton M. Tytler
Senior Assistant Attorney General

NEW SECTION

WAC 162-26-080 REASONABLE ACCOMMODATION. (1) Unfair to not accommodate. It is an unfair practice for a person in the operation of a place of public accommodation to fail to make reasonable accommodation to the known physical, sensory, or mental limitations of a handicapped person, when same service would prevent the person from fully enjoying the place of public accommodation.

(2) Defined. "Reasonable accommodation" is action, reasonably possible in the circumstances, to make the regular services of a place of public accommodation accessible to persons who otherwise could not use or fully enjoy the services because of the person's sensory, mental, or physical limitations.

(3) Reasonableness. Whether a possible accommodation is reasonable or not depends on the cost of making the accommodation, the size of the place of public accommodation, the availability of staff to make the accommodation, the importance of the service to the handicapped person, and other factors bearing on reasonableness in the particular situation.

(4) Examples of accommodation.

(a) An example of accommodation in a retail setting is special use of an elevator by a mobility-impaired person, as described in WAC 162-26-060(2).

(b) Accommodation in all places of public accommodation includes the provision of additional explanatory information or assistance for a person with a mental disability.

(c) Accommodation in an office includes the use of sign language interpreters and teletypewriters for the deaf.

(d) Accommodation in public areas includes curb cuts for wheelchairs and elevator controls marked in braille or raised letters.

(5) Degrees of accommodation. Where the best accommodation is not reasonable, the operator of a place of public accommodation should use a lesser accommodation, if one is reasonable, before descending to arranged service. For example, in a small office where it is not reasonable to provide sign language interpreters or teletypewriters for the deaf, materials for written communication can be provided. Providing materials for written communication does not satisfy the duty of reasonable accommodation, however, in an office where the provision of sign language interpreters or teletypewriters is reasonable.

(6) Carrying not favored. Carrying a mobility-impaired person is not required by law and is not an acceptable accommodation, except in rare circumstances. Carrying may be hazardous. It may humiliate the handicapped person by dramatizing dependency and creating a spectacle. Carrying should be done only when there is no other way for the mobility-impaired person to use the facility, as might be the case with an historical building or ship on display, and when it is agreeable to the handicapped person.

(7) Reference to employment standard. The concept of reasonable accommodation is also used in the employment context. The commission will rely on its interpretations of WAC 162-22-080 and on Holland v. Boeing Co., 90 Wn.2d 384, 583 P.2d 621 (1978) for guidance in applying this section.

NEW SECTION

WAC 162-26-100 STRUCTURAL BARRIERS TO ACCESSIBILITY. (1) Statute. RCW 49.60.215 says that it

"shall not be construed to require structural changes, modifications, or additions to make any place accessible to a handicapped person except as otherwise required by law. . . ."

(2) Laws requiring accessibility. The principal laws requiring that places be made accessible are:

(a) The state building code, chapter 19.27 RCW, which includes the barrier free design standards adopted in chapter 51-10 WAC under authority of chapter 70.92 RCW. The barrier free design standards apply with some exceptions to "buildings, structures, or portions thereof, . . . which are constructed, substantially remodeled, or substantially rehabilitated after October 1, 1976." WAC 51-10-003.

(b) Chapter 219, Laws of 1971 ex. sess., in effect from August 9, 1971, through June 30, 1976. This statute required that plans and specifications for the erection or remodeling of any public accommodation must provide for access by physically handicapped persons, for toilet facilities designed for use by the physically handicapped, and for additional facilities specified in a national standard.

(c) Chapter 35, Laws of 1967, in effect from June 8, 1967, through June 30, 1976. This statute was substantially the same as the 1971 statute described in paragraph (b) of this subsection, but was limited in its coverage to public buildings.

(d) RCW 35.68.075, requiring curb ramps in sidewalks constructed or replaced after June 7, 1973.

(e) United States law; particularly 45 CFR § 84.23 implementing section 504 of the rehabilitation act of 1973 (29 U.S.C. § 794), which requires that facilities constructed after April 28, 1977 with federal assistance be readily accessible to and usable by handicapped persons.

(3) Practices that are not unfair. It is not an unfair practice under RCW 49.60.215 to operate a place of public accommodation with structural barriers to accessibility of the handicapped when the structural barriers were lawful when constructed and are presently lawful under the state building code and other law outside of the law against discrimination. This exemption does not relieve the operator of a place

of public accommodation of the duty to make reasonable accommodation to the needs of handicapped persons as described in WAC 162-26-080, or to provide arranged service as described in WAC 162-26-090.

(4) When required by law. It is an unfair practice under RCW 49.60.215:

(a) To deny service to any person because of a barrier to accessibility when accessibility is required by law;

(b) To build or remodel in a way that does not comply with requirements of law on accessibility;

(c) To operate a place of public accommodation that is out of compliance with a law requiring accessibility;

(d) To fail to maintain or fail to continue the accessibility of a place of public accommodation that was required by law to be accessible when it was built, remodeled, or rehabilitated.

(5) Nonstructural changes. After January 1, 1983, it is an unfair practice under RCW 49.60.215 for a person who is making nonstructural changes in a place of public accommodation to fail to eliminate barriers to same service when this can be done without substantially changing the scope or cost of the project or requiring structural changes that are not otherwise required by law. Specifically, it is an unfair practice:

(a) When installing a nonstructural fixture or component, to choose and install one that is not accessible to the handicapped or that makes the place of public accommodation less accessible to the handicapped.

(b) When replacing a nonstructural fixture or component, to replace it with one that is not accessible to the handicapped or one that makes the place of public accommodation less accessible to the handicapped.

(c) When relocating a nonstructural fixture or component, to relocate it to a place that is not accessible to the handicapped, unless no suitable place is accessible.

(d) When modifying a nonstructural fixture or component, to do so in a way that does not eliminate barriers to the handicapped, when possible.

(6) What is "structural." "Structural" for purposes of RCW 49.60-.215 means the load-bearing members and essential structure or composition of a place, as distinguished from its finish, decorations, or fittings. Examples of structural components are floors, walls, stairs, door openings, sidewalks, elevators, and escalators. Examples of things that are not structural are moveable walls, bathroom fixtures and partitions, fixtures such as water fountains (whether or not attached to a wall), doors and door hardware, cabinets, counters, handrails, signs (attached or painted), elevator controls, alarm systems, and carpeting or other floor covers.

NEW SECTION

WAC 162-26-140 UNFAIR TO REQUEST OR REQUIRE WAIVER OF RIGHTS. It is an unfair practice for any person to request or require another person to waive rights or hold anyone harmless as a condition of the use or enjoyment of a place of public accommodation by a handicapped person.

NEW SECTION

WAC 162-38-070 STRUCTURAL BARRIERS TO ACCESSIBILITY. (1) Statute. RCW 49.60.222 says:

"This section shall not be construed to require structural changes, modifications, or additions to make facilities accessible to a handicapped person except as otherwise required by law."

(2) Laws requiring accessibility. The principal laws that require that buildings be made accessible are:

(a) The state building code, chapter 19.27 RCW, which includes the barrier free design standards adopted in chapter 51-10 WAC under authority of chapter 70.92 RCW. The barrier free design standards apply with some exceptions to "buildings, structures, or portions thereof, . . . which are constructed, substantially remodeled, or substantially rehabilitated after October 1, 1976." WAC 51-10-003.

(b) Chapter 219, Laws of 1971 1st ex. sess., in effect from August 9, 1971, through June 30, 1976. This statute required that plans and specifications for the erection or remodeling of any public accommodation must provide for access by physically handicapped persons, for toilet facilities designed for use by the physically handicapped, and for additional facilities specified in a national standard.

(c) Chapter 35, Laws of 1967, in effect from June 8, 1967, through June 30, 1976. This statute was substantially the same as the 1971 statute described in paragraph (b) of this subsection, but was limited in its coverage to public buildings.

(d) RCW 35.68.075, requiring curb ramps in sidewalks constructed or replaced after June 7, 1973.

(e) United States law; particularly 45 CFR § 8423, implementing section 504 of the rehabilitation act of 1973 (29 USC § 794), which requires that facilities constructed after April 28, 1977 with federal assistance be readily accessible to and usable by handicapped persons.

(3) Practices that are not unfair. It is not an unfair practice under RCW 49.60.222:

(a) To engage in a real estate transaction involving real property that is not required to be made accessible by law other than the law against discrimination; or

(b) To maintain real property with structural barriers to accessibility when the structural barriers were lawful when constructed and are presently lawful under the state building code and other law outside of the law against discrimination.

(4) Unfair practices. It is an unfair practice under RCW 49.60.222:

(a) To build or remodel in violation of the barrier free design standards, chapter 51-10 WAC, or other requirement of law on accessibility.

(b) To fail to maintain or fail to continue the accessibility of real property that was required by law to be accessible when built, remodeled, or rehabilitated.

(c) To take any action of the types set out in RCW 49.60.222 (1) through (10) against a handicapped person because the real property transaction involves real property that is not accessible.

(d) For an owner of ten or more units of rental property who is making nonstructural changes in the rental property to fail to eliminate barriers to accessibility when this can be done without substantially changing the scope or cost of the project or requiring structural changes that are not otherwise required by law. Specifically, it is an unfair practice:

(i) When installing a nonstructural fixture or component, to choose and install one that is not accessible to the handicapped or that makes the place of public accommodation less accessible to the handicapped.

(ii) When replacing a nonstructural fixture or component, to replace it with one that is not accessible to the handicapped or one that makes the place of public accommodation less accessible to the handicapped.

(iii) When relocating a nonstructural fixture or component, to relocate it to a place that is not accessible to the handicapped, unless no suitable place is accessible.

(iv) When modifying a nonstructural fixture or component, to do so in a way that does not eliminate barriers to the handicapped, when possible.

(5) What is "structural." "Structural" for purposes of RCW 49.60-.222 means the load bearing members and essential structure or composition of a place, as distinguished from its finish, decorations, or fittings. Examples of structural components are floors, walls, stairs, door openings, sidewalks, elevators, and escalators. Examples of things that are not structural are moveable walls, bathroom fixtures and partitions, fixtures such as water fountains (whether or not attached to a wall), doors and door hardware, cabinets, counters, handrails, signs (attached or painted), elevator controls, alarm systems, and carpeting or other floor covers.

(6) Modifications by tenant. Rules with respect to allowing tenants to make structural or other changes in order to achieve or improve accessibility are set out in WAC 162-38-080.

WSR 82-22-087
PROPOSED RULES
BOARD OF PHARMACY
[Filed November 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pharmacy intends to adopt, amend, or repeal rules concerning the amending of WAC 360-16-260, 360-18-010, 360-36-020, 360-40-010, 360-44-020, 360-44-040, 360-44-090, and adding new sections WAC 360-40-020, 360-40-030, 360-40-040, 360-40-050, 360-40-060, 360-40-070 and 360-40-080;

that the agency will at 1:00 p.m., Thursday, December 9, 1982, in the 1st Floor Conference Room,

W.E.A. Building, 319 East 7th, Olympia, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.64.005, 18.81.080 and 42.17.290.

The specific statute these rules are intended to implement is chapters 18.64, 18.81 and 42.17 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 9, 1982.

Dated: November 1, 1982
By: Donald H. Williams
Executive Secretary

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Pharmacy.

Purpose: The purpose of the amendments to chapter 360-16 WAC is to clarify the requirement that patient medication records are considered to be part of the prescription records maintained by pharmacies; the purpose of the amendments to chapter 360-18 WAC is to make it clear that during the two months between the expiration date and the date upon which a penalty fee is assessed for late filing of a license that the license has expired and is not valid for use to practice; the amendment to chapter 360-36 WAC is to delete a word that was inadvertently not deleted in the last amendment to this rule; the purpose of the amendments to chapter 360-40 WAC is to make the chapter more easily read and understood by breaking it into a number of sections rather than one long section. The chapter contains definitions, requirements for license applications, requirements for license display, prohibition of certain condom sales, the establishment and creation of a list of approved condoms, and the procedure for submission and testing of condoms; and the purpose of the amendments to chapter 360-44 WAC is to delete an inappropriate word, to update the rules to make them consistent with current statutory enactments, and to increase the fee for copying to cover the actual costs.

Statutory Authority: RCW 18.64.005, 18.81.080 and 42.17.290.

Summary of the Rules: WAC 360-16-260 Patient Medication Record System, this section contains the requirements for creation and maintenance of patient medication record systems in pharmacies; WAC 360-18-010 Licensing Periods, this section outlines the licensing periods for various licenses issued by the Pharmacy Board and clarifies the status of licenses from the date of expiration until the date a penalty is assessed; WAC 360-32-020 Dispensing Schedule V Controlled Substances, this section contains the requirement that must be met by pharmacists when selling schedule V controlled substances; WAC 360-40-010 Definitions, this rule contains the definitions and reference to definitions to be used in conjunction with regulations regarding prophylactics; WAC 360-40-020 Application for License, this section outlines the procedure and requirements for application for prophylactic license; WAC 360-40-030 Display of Licenses and Identification, this section contains the requirement that licenses issued by the board be on display; WAC 360-40-040 Sale of Condoms Prohibited Unless Approved, this rule outlines the conditions that condoms must meet in order to be sold in the state of Washington; WAC 360-40-050 List of Approved Condoms, this rule establishes the list of approved products and indicates the publication date of the list; WAC 360-40-060 Submission of Condoms for Testing, this rule outlines the procedure that an individual must follow to submit condoms for testing by the board; WAC 360-40-070 Condom Testing, this rule outlines the tests to be performed on rubber condoms and on nonrubber condoms; WAC 360-40-080 Suspension or Revocation of Prophylactic Licenses, this rule clarifies the provisions of RCW 18.81.050; WAC 360-44-020 Definitions, this section contains definitions that will be used in the rules relating to public records; WAC 360-44-040 Operations and Procedures, this rule outlines the operations of the Washington State Board of Pharmacy, its organization and lists the various statutes it administers; and WAC 360-44-090 Copying, this rule establishes the cost for copying public records.

Reason Proposed: These amendments are proposed primarily to correct or clarify existing rules and to bring them into compliance with current enactments of the relevant statutes.

Responsible Personnel: In addition to the members of the board, the following Board of Pharmacy personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Donald H. Williams, Executive Secretary, W.E.A. Building, 319 East 7th Avenue, Olympia, WA 98504, (206) 234-6834 Scan, (206) 753-6834 Comm.

Proponents: These rules are proposed by the Washington State Board of Pharmacy.

Agency Comments: These rules are promulgated pursuant to the authority granted to the board in RCW 18-.64.005, 18.81.080 and 42.17.290.

Small Business Economic Impact Statement: A small business economic impact statement is not required and has not been filed since these rules do not impact any small businesses as that term is defined by RCW 43.31.920.

AMENDATORY SECTION (Amending Order 125, filed 1/28/75)

WAC 360-16-260 PATIENT MEDICATION RECORD SYSTEM. (1) ((~~After January 1, 1976, a~~)) A patient medication record system shall be maintained in all pharmacies. The record shall be devised so as to contain the information which the pharmacist feels necessary to give the patient the best professional advice and required drug information. The pharmacist shall attempt to determine through examination of the record and other information the patient may contribute, prior to the dispensing of a prescription, the possibility of a harmful drug interaction or other problems caused or influenced by the prescription presented for dispensing.

(2) Patient medication records shall be considered to be a part of prescription records maintained in accordance with RCW 18.64.245 and shall be maintained for a period of at least five years in the same manner as provided for all prescription records (see WAC 360-16-096).

(((~~2~~))) (3) The information in the patient medication record shall be deemed confidential and may be released to other than patient or prescriber only on written release of the patient. If in the judgment of the pharmacist, the prescription presented for dispensing is determined to cause a potentially harmful drug interaction or other problem due to a

drug previously prescribed by another practitioner, the pharmacist may communicate this information to the prescribers.

AMENDATORY SECTION (Amending Order 154, filed 4/28/80)

WAC 360-18-010 LICENSING PERIODS. (1) ((~~Effective October 1, 1980, t~~)) The following are established by the Board of Pharmacy as the licensing periods for each license specified:

(a) Pharmacist licenses will be ((~~renewable beginning~~)) renewed on February 1 of each year((~~, and will be subject to a penalty fee for renewal after April 1 of each year~~)).

(b) Pharmacy location, CSA (retail), prophylactic (retail pharmacy), pharmacy assistant utilization, shopkeeper and shopkeeper differential hours licenses will be ((~~renewable beginning~~)) renewed on June 1 of each year ((~~and will be subject to a penalty fee for renewal after August 1 of each year~~)).

(c) CSA (sodium pentobarbital), Level A assistant, physician((~~'s~~)) assistant, wholesaler (full line), wholesaler (OTC only), intern, manufacturer, CSA wholesaler, CSA manufacturer, prophylactic (vending machine), and prophylactic wholesaler licenses will be ((~~renewable~~)) renewed ((~~beginning~~)) on October 1 of each year ((~~and will be subject to a penalty fee for renewal after December 1 of each year~~)).

(2) ((~~Effective until October 1, 1980, the board establishes licensing periods as specified in the various provisions of the Pharmacy Practice Act as they appeared prior to the effective date of chapter 90, Laws of 1979 which prior provisions are incorporated herein by this reference.~~)) Any license that is not renewed on or before the renewal date established herein shall expire and shall no longer be a valid license to practice or conduct the activity for which it is issued. Any license that has not been renewed within sixty days of the expiration date shall be renewed only upon payment of the renewal fee and penalty fee as specified in WAC 360-18-020.

AMENDATORY SECTION (Amending Order 169, filed 9/8/82)

WAC 360-36-020 DISPENSING SCHEDULE V CONTROLLED SUBSTANCES. (1) Those drugs classified in schedule V of the uniform controlled substances act (RCW 69.50.212) which can be dispensed without a prescription can be so distributed only for the medical purpose(s) indicated on the manufacturer's label (e.g., cough syrups may only be dispensed for the treatment of coughs) and shall be dispensed in accordance with the following rules.

(2) Only a licensed pharmacist or a pharmacy intern may dispense a schedule V drug. The pharmacist or pharmacy intern making the sale is responsible for the recording of the required information in the schedule V register book. The pharmacist or pharmacy intern shall not sell a schedule V drug to a person below the age of 21 and shall require the purchaser to supply identification so that the purchaser's true name, address and age can be verified. The pharmacist must keep the schedule V drugs in a safe place not accessible to members of the public. The name and address of the pharmacy must be placed on the bottle or vial of each schedule V drug sold and the pharmacist or pharmacy intern dispensing the product must place the date of sale and his/her initials on the label at the time of sale. The pharmacist or pharmacy intern is required to show every purchaser of a schedule V product a copy of subsections (3) and (4) of this rule (sections relating to purchaser(s) of schedule V drugs).

(3) No person shall obtain a schedule V drug without a practitioner's prescription unless he/she complies with the following:

(a) The product must be purchased as a medicine for its indicated medical use only;

(b) The purchaser must sign the schedule V register book with his/her true name and address and supply proof of identification.

(c) The purchaser cannot purchase more than 120 mls (four fluid ounces) of schedule V cough preparations, nor more than 240 mls (eight fluid ounces) of schedule V antidiarrheal preparations.

(4) In the absence of a practitioner's prescription, no pharmacist or pharmacy shall sell to any person, nor shall any person obtain, within a ninety-six hour period, more than the maximum quantity set forth in subsection (3)(c) of this rule. Further, no pharmacist or pharmacy shall sell to any person, nor shall any person obtain more than twice the maximum quantity set forth in (3)(c) above in any sixty-day period.

(5) (a) Every pharmacy handling schedule V drugs must keep a schedule V register book in which the following statement must appear at the top of each page: "I have not obtained any schedule V preparations within the last ninety-six hours, nor obtained schedule V preparations more than twice within the last sixty days. This is my true name and address". All sales of schedule V preparations without a practitioner's prescription shall be recorded in the schedule V register book and the following information must be recorded therein.

(i) Printed name of purchaser
(ii) Signature of purchaser
(iii) Address of purchaser
(iv) Name of the schedule V preparation sold
(v) Quantity of schedule V preparation sold
(vi) Date of sale
(vii) Initials or name of pharmacist or pharmacy intern who sold the schedule V drug
(viii) Proof of identification: A unique identification number from a driver's license or from other state or federally issued photo identification card.

(b) All register books used to record the sale of schedule V preparations shall conform to the following standards:

(i) The book shall be 8 1/2 inches wide, 11 inches long.
(ii) The book shall be securely bound, not loose leaf or spiral bound.
(iii) The book shall have its pages consecutively numbered with a unique number assigned to each book and identified on each page.
(iv) Each page shall consist of an original and duplicate. If any sales are recorded, the duplicate sheet must be mailed to the board of pharmacy when completed or on the last day of each month, whichever is earlier.

(3) All pharmacy records relating to ((~~of~~)) schedule V drugs shall be open to examination by state board of pharmacy investigators during normal business hours. The refusal to permit such examination shall constitute grounds for the suspension or revocation of the pharmacist's license.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 108, filed 10/26/71)

WAC 360-40-010 DEFINITIONS. (1) The definitions set forth in RCW 18.81.010 and 18.64.011 shall be applicable to these rules. In addition, the following terms are defined:

(a) A "condom" is a prophylactic consisting of a very thin sheath designed to be placed over the penis to prevent conception or venereal disease during coitus, and is commonly made of rubber, parchment skins, plastic or similar materials.

(((~~(2) Application for license. Any person asking a wholesale or retail license under chapter 18.81 RCW shall file with the board of pharmacy the appropriate license fee and an application on a form prepared by the board. Retail pharmacies shall not be required to submit a separate application form for a prophylactic license. All other applicants must submit the required form setting forth at least the following information:~~

~~(a) Name of the applicant, if a corporation, the officers thereof;~~

~~(b) Location for which the license is sought;~~

~~(c) Whether condoms are to be sold personally or through means of a vending machine.~~

~~(d) The applicant must be either (i) a pharmacy, (ii) a hospital pharmacy, (iii) a public or private program approved by state or county health department engaged in venereal disease prevention or treatment or family planning or the care and treatment for rehabilitation of any person, (iv) vending machine operation, if the applicant is not the lessee or owner of the premises then consent by the same is required, (v) a person or program that a local health officer has determined in the interest of public health prophylactics should be made available (if (v) is appropriate, a written statement by the local health officer must accompany the application;)~~

~~(e) If a vending machine outlet, then the times at which the purchasers will have access to the machine.~~

~~(3) The holder of any retail or wholesale license for the sale of prophylactics must display that license so that it is readily available for examination by an inspector for the board. Any vending machine which is licensed must have a current decal supplied by the board permanently attached to the machine. Each machine requires a separate retail license.~~

~~(4) No condoms shall be sold in this state unless the following conditions are met:~~

~~(a) The product is on a list of condom products which have been tested by the board and are on an approved list or have been specifically tested and approved by the board on the basis of three dozen samples submitted to the board for testing prior to sale in this state.~~

~~(b) All condoms shall be individually sealed in plastic, foil or a comparable type seal to protect the product from deterioration from exposure to air.~~

~~(c) Individual condoms or individual condom containers shall bear the date of manufacture.~~

~~(5) The board shall annually prepare a list of condom products which have successfully met the testing requirements set forth in Rule 6. Said list shall be prepared no later than May 1st of each year. In order to be included in that annual testing, three dozen samples of the product must be submitted to the board prior to April 1st. Condoms can be submitted for testing at other times, but in order to be approved prior to the annual May 1st listing date the individual submitting three dozen samples for testing must pay a special testing fee of $50.00, and the board shall have at least forty-five days in which to complete such special tests.~~

~~(6) Condom testing. The tests shall be performed under the supervision of an employee of the Washington State Board of Pharmacy. Three dozen samples of each brand of condoms are to be tested.~~

~~(a) Rubber condoms (this is any elastic material);~~

~~(i) Rubber condoms shall be air tested, capable of standing inflation with one cubic foot of air, and free from holes, imperfect rings and/or blisters.~~

~~(ii) Procedure for air testing. The rubber condoms are mechanically inflated with one cubic foot of air at prevailing atmospheric pressure in room temperature of approximately 70° Farenheit. The apparatus used is an air compressor equipped with a gauge indicating the amount of air injected into the device being tested. The rate of air injection to inflate the article is approximately 1 minute per cubic foot of air.~~

~~(iii) Water testing. Condoms shall have no holes as may be demonstrated by the following procedure: 300 cc's of water shall be poured into the condom to be tested, and the open end of the condom then firmly closed with the fingers. The condom shall then be placed on its side on a blotter or clean towel and gently rolled from side to side to remove any water that may have spilled. If any droplets of water appear on subsequent examination each droplet will indicate the presence of a hole. Any holes within one inch of the open end of the condom will disregarded.~~

~~(b) Nonrubber condoms (nonelastic material): Such condoms shall be of suitable length, not patched, free from grease or any foreign substances that may be used as a filler for hiding imperfections or discolorations.~~

~~(i) Water testing. Such condoms to be inflated with water, suspended and observed for a twelve-hour period and accepted if the water is retained. No product being so tested shall be approved if the failure rate exceeds one percent. A product which has failed the test may be resubmitted for testing. However, for such retesting six dozen samples must be supplied and if the retesting is at any time other than the annual testing period, there is a one hundred dollar fee for retesting.~~

~~(7) Any license issued pursuant to these regulations is subject to suspension or revocation if the board determines that the licensee has retailed nonapproved condoms or distributed condoms to a nonlicensed outlet.~~

~~(8) The list of approved condoms by the Oregon state board of pharmacy is hereby adopted as the approved list under these regulations until the first annual list is prepared by the board no later than May 1, 1972.~~

~~(9) No condoms may be sold in this state if they are three years or older from the date of manufacture.~~

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 360-40-020 APPLICATION FOR LICENSE. (1) Any person seeking a wholesale or retail license under chapter 18.81 RCW shall file with the board of pharmacy an application on a form provided by the board along with the appropriate license fee as provided in WAC 360-18-020. Licensed retail pharmacies shall not be required to submit a separate application form for a prophylactic license. All other applicants must submit the required forms setting forth at least the following information:

(a) The name of the applicant, including the names of the officers if the applicant is a corporation;

(b) The location for which the license is sought;

(c) A statement as to whether the condoms are to be sold personally or by means of a vending machine;

(d) If the license sought is for a vending machine operation, the location of each vending machine and the hours during which purchasers will have access to each machine shall be listed.

NEW SECTION

WAC 360-40-030 DISPLAY OF LICENSES AND IDENTIFICATION. (1) The holder of any retail or wholesale license for the sale of prophylactics shall display that license so that it is readily available for examination by any inspector or investigator for the board.

(2) All vending machines must have a current decal, supplied by the board, permanently attached to the machine. In addition, each vending machine must have name, address of owner and licensee of that machine.

NEW SECTION

WAC 360-40-040 SALE OF CONDOMS PROHIBITED UNLESS APPROVED. No condoms shall be sold in this state unless the following conditions are met:

(1) The product must be on the list of condom products which have been tested and approved by the board.

(2) All condoms shall be individually sealed in plastic, foil or a comparable type seal to protect the product from deterioration due to exposure to air.

(3) Individual condoms or individual condom containers shall bear the date of manufacture and may not be sold in this state three years after the date of manufacture.

NEW SECTION

WAC 360-40-050 LIST OF APPROVED CONDOMS. The board shall prepare annually a list of condom products which have been tested and approved by the board. This list shall be prepared no later than May 1st of each year.

NEW SECTION

WAC 360-40-060 SUBMISSION OF CONDOMS FOR TESTING. In order to be included on the list of approved condoms issued by the board, three dozen samples of the product must be submitted to the board prior to April 1st. Condoms may be submitted for testing at other times, but in order to be approved at these times the individual submitting the three dozen samples for testing must pay a special testing fee of $300. The board shall complete these special testings within forty-five days of submission of the product samples and special testing fee. Any product which has been placed on the board's list of approved condoms shall remain on this list and shall be required to submit samples for testing only upon request of the board.

NEW SECTION

WAC 360-40-070 CONDOM TESTING. The testing of condoms shall be performed under the supervision of an employee of the Washington state board of pharmacy. The test will be conducted as follows:

(1) Rubber condoms (elastic material):

(a) Rubber condoms shall be air tested, and shall be capable of withstanding inflation with one cubic foot of air. They shall be free from holes, imperfect rings and blisters.

(b) Procedure for air testing - rubber condoms shall be mechanically inflated with one cubic foot of air at prevailing atmospheric pressure at room temperature of approximately 70° Farenheit. The apparatus used as an air compressor shall be equipped with a gauge indicating the amount of air injected into the condom being tested. The rate of air injection to inflate the condom shall be approximately one cubic foot of air per minute.

(2) Nonrubber condoms (nonelastic material):

(a) Nonrubber condoms shall be of suitable length, not patched, and shall be free from grease or any foreign substances that may be used as a filler for hiding imperfections or discolorations.

(b) Procedure for water testing - nonrubber condoms shall be inflated with water, suspended, and observed for a twelve-hour period. If

the water is retained, the condom shall be approved. No condom shall be approved if the failure rate exceeds one percent.

NEW SECTION

WAC 360-40-080 SUSPENSION OR REVOCATION OF PROPHYLACTIC LICENSES. Any license issued pursuant to chapter 18.81 RCW and these rules and regulations is subject to suspension or revocation if it is determined by the board, after notice and hearing, that the licensee has sold condoms that are not on the board-approved list or that the licensee has distributed condoms to an unlicensed outlet.

AMENDATORY SECTION (Amending Order 113, filed 4/27/73)

WAC 360-44-020 DEFINITIONS. (1) "Public record" includes any writing containing information relating to the conduct of government((~~al~~)) or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) The "Washington state board of pharmacy" is the board whose members are appointed by the governor, pursuant to RCW 18.64.001. The Washington state board of pharmacy shall hereinafter be referred to as the "board". Where appropriate, the term "board" also refers to the staff and employees of the Washington state board of pharmacy.

AMENDATORY SECTION (Amending Order 113, filed 4/27/73)

WAC 360-44-040 OPERATIONS AND PROCEDURES. (1) The board of pharmacy consists of ((~~three~~)) five members, one of whom is designated as a chairman. The members are appointed by the governor for staggered four year terms.

(2) The board meets approximately once a month in various places throughout the state. The time and place of the meeting can be learned by writing or calling the administrative office of the board.

(3) The executive secretary is the board's chief executive. He is responsible for carrying out the board's directions and for directing the board's staff.

(4) It is the board's duty to administer the law in chapters 18.64, 18.64A, 18.81, 69.04, 69.40, 69.41, ((~~and~~)) 69.50, and 70.54 RCW.

(a) Chapter 18.64 RCW - pharmacy act - creation of board of pharmacy, definition of terms used in pharmacy act, examination and licensing of pharmacists, interns, wholesalers, shopkeepers and vendors, grounds for license((~~s~~)) suspension or revocation, unlawful practices, prescription labels and records.

(b) Chapter 18.64A RCW - pharmacy assistants law - creation of pharmacy assistants, definition of terms, regulation of classifications and services, limitations on practice, grounds for certificate suspension or revocation, applications, fees, employment of pharmacy assistants, and pharmacists liability and responsibility.

(((~~b~~))) (c) Chapter 18.81 RCW - prophylactic law - regulation and licensing of prophylactics and distributors.

(((~~c~~))) (d) Chapter 69.04 RCW - food, drug and cosmetic act. Board has joint responsibility with director of department of agriculture. Board regulates only the drug and devices portion of the act. DMSO sales and use provisions are contained in this law.

(((~~d~~))) (e) Chapter 69.40 RCW - poison act - labeling of drugs incorrectly and selling poisons without labeling ((~~and recording sales~~)).

(f) Chapter 69.41 RCW - legend drug act - definition of terms, prohibited acts, regulation of sale, delivery, or possession of legend drugs, requirements for prescriptions and labels, search and seizure procedures. Penalties for violations are created and rules regarding legend drugs are authorized. The procedures and requirements for substitution of legend drugs, manufacturing standards and liability of pharmacists are outlined. Requirements for identification and labeling marking of legend drugs are created.

(((~~e~~))) (g) Chapter 69.50 RCW - controlled substances act - places all narcotics, barbiturates, amphetamines, hallucinogenics and marihuana into five schedules. Sets standards and definitions for the five schedules. Regulates the manufacture, distribution and dispensing of controlled substances. Sets forth offenses, penalties and prohibited acts. Enforcement and administrative provisions include administrative and criminal search warrants.

(h) Chapter 70.54 RCW - Laetrile - Board given authority to sample and test laetrile and promulgate rules regarding it.

(5) Information concerning all licenses or registrations issued by the board may be obtained by writing or calling the administrative office of the board.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 113, filed 4/27/73)

WAC 360-44-090 COPYING. No fee shall be charged for the inspection of public records. The board shall charge a fee of ((~~twenty-five~~)) fifty cents per page of copy for providing copies of public records and for the use of the board's copy equipment. This charge is the amount necessary to reimburse the board for its actual costs incident to such copying. The copy machine will be operated by staff persons only.

WSR 82-22-088
NOTICE OF PUBLIC MEETINGS
ECOLOGICAL COMMISSION
[Memorandum—October 27, 1982]

This notice is to inform you that the fourth quarterly meeting of the Washington State Ecological Commission will be held on December 9, 1982, in Lacey, Washington, at the Department of Ecology, Rowesix Hearings Room, 4224 Sixth Avenue Southeast, Building 4. It will begin at 9:00 a.m.

For further information, please contact Renee Pacana, Administrator, Washington State Ecological Commission, Department of Ecology, M/S PV-11, Olympia, Washington 98504 (telephone (206) 459-6170).

WSR 82-22-089
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed November 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning maximum environmental noise levels, amending chapter 173-60 WAC;

that the agency will at 2:00 p.m., Thursday, December 9, 1982, in Room 273, Department of Ecology, Abbott Rafael Hall, St. Martin's College Campus, Lacey, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 21, 1982.

The authority under which these rules are proposed is chapter 70.107 RCW.

The specific statute these rules are intended to implement is chapter 70.107 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 16, 1982.

Dated: November 3, 1982
By: Donald W. Moos
Director

STATEMENT OF PURPOSE

Title: Amending chapter 173-60 WAC, Maximum Environmental Noise Levels.

Description of Purpose: The chapter establishes maximum noise levels permissible in identified environments and provides use standards relating to the reception of noise within such environments.

Statutory Authority: Chapter 70.107 RCW.

Summary of Rule: Natural gas facilities are exempted from chapter 173-60 WAC with reservation of authority to enforce noise standards in specific instances where complaints are received from residential citizens, in which case they will be treated as industrial noise sources; WAC 173-60-050(2)(a) is amended to add waste water and natural gas stationary equipment; definitions section is amended.

Reasons Supporting Proposed Action: Natural Gas utilities operating in the state are concerned with their status relative to violation of chapter 173-60 WAC by most of their facilities and contend that as a public utility it would be their duty to retrofit all existing facilities technically in non-compliance whether there were complaints or not. That would result in a tremendous expense which would be borne by ratepayers of the utility.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Earl W. Tower, Department of Ecology, Mailstop PV-11, Olympia, WA 98504, (206) 459-6316.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: Proposed revisions to chapter 173-60 WAC exempt natural gas facilities from the noise standards but retain provisions for enforcing the standards when complaints are received.

Twenty of the twenty-three firms in Standard Industrial Classification (SIC) 492 are small firms, i.e., employ less than 50. However, since these revisions relax the standards for these firms, it eliminates an economic burden rather than imposing one. According to industry estimates, adoption of these revisions would result in a savings of $17 million to all firms in SIC 492.

AMENDATORY SECTION (Amending Order DE 77-1, filed 6/1/77)

WAC 173-60-020 DEFINITIONS. (1) "Background sound level" means the level of all sounds in a given environment, independent of the specific source being measured.

(2) "dBA" means the sound pressure level in decibels measured using the "A" weighting network on a sound level meter. The sound pressure level, in decibels, of a sound is 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to a reference pressure of 20 micropascals.

(3) "Department" means the department of ecology.

(4) "Director" means the director of the department of ecology.

(5) "Distribution facilities" means any facility used for distribution of commodities to final consumers, including facilities of utilities that convey water, waste water, natural gas, and electricity.

(6) "EDNA" means the environmental designation for noise abatement, being an area or zone (environment) within which maximum permissible noise levels are established.

((~~(6)~~)) (7) "Existing" means a process, event, or activity in an established area, producing sound subject to or exempt from this chapter, prior to the effective date of September 1, 1975.

(8) "Local government" means county or city government or any combination of the two.

((~~(7)~~)) (9) "Noise" means the intensity, duration and character of sounds, from any and all sources.

((~~(8)~~)) (10) "Person" means any individual, corporation, partnership, association, governmental body, state agency or other entity whatsoever.

((~~(9)~~)) (11) "Property boundary" means the surveyed line at ground surface, which separates the real property owned, rented, or leased by one or more persons, from that owned, rented, or leased by one or more other persons, and its vertical extension.

((~~(10)~~)) (12) "Racing event" means any motor vehicle competition conducted under a permit issued by a governmental authority having jurisdiction or, if such permit is not required, then under the auspices of a recognized sanctioning body.

((~~(11)~~)) (13) "Receiving property" means real property within which the maximum permissible noise levels specified herein shall not be exceeded from sources outside such property.

((~~(12)~~)) (14) "Sound level meter" means a device which measures sound pressure levels and conforms to Type 1 or Type 2 as specified in the American National Standards Institute Specification S1.4-1971.

((~~(13)~~)) (15) "Watercraft" means any contrivance, excluding aircraft used or capable of being used as a means of transportation or recreation on water.

AMENDATORY SECTION (Amending Order DE 77-1, filed 6/1/77)

WAC 173-60-050 EXEMPTIONS. (1) The following shall be exempt from the provisions of WAC 173-60-040 between the hours of 7:00 a.m. and 10:00 p.m.:

(a) Sounds originating from residential property relating to temporary projects for the maintenance or repair of homes, grounds and appurtenances.

(b) Sounds created by the discharge of firearms on authorized shooting ranges.

(c) Sounds created by blasting.

(d) Sounds created by aircraft engine testing and maintenance not related to flight operations: PROVIDED, That aircraft testing and maintenance shall be conducted at remote sites whenever possible.

(e) Sounds created by the installation or repair of essential utility services.

(2) The following shall be exempt from the provisions of WAC 173-60-040(2)(b):

(a) Noise from electrical substations and existing stationary equipment used in the conveyance of water, waste water, and natural gas by a utility.

(b) Noise from existing industrial installations which exceed the standards contained in these regulations and which, over the previous three years, have consistently operated in excess of 15 hours per day as a consequence of process necessity and/or demonstrated routine normal operation. Changes in working hours, which would affect exemptions under this regulation, require approval of the department.

(3) The following shall be exempt from the provisions of WAC 173-60-040, except insofar as such provisions relate to the reception of noise within Class A EDNAs between the hours of 10:00 p.m. and 7:00 a.m.

(a) Sounds originating from temporary construction sites as a result of construction activity.

(b) Sounds originating from forest harvesting and silvicultural activity.

(4) The following shall be exempt from all provisions of WAC 173-60-040:

(a) Sounds created by motor vehicles when regulated by chapter 173-62 WAC.

(b) Sounds originating from aircraft in flight and sounds that originate at airports which are directly related to flight operations.

(c) Sounds created by surface carriers engaged in interstate commerce by railroad.

(d) Sounds created by warning devices not operating continuously for more than five minutes, or bells, chimes, and carillons.

(e) Sounds created by safety and protective devices where noise suppression would defeat the intent of the device or is not economically feasible.

(f) Sounds created by emergency equipment and work necessary in the interests of law enforcement or for health safety or welfare of the community.

(g) Sounds originating from motor vehicle racing events at existing authorized facilities.

(h) Sounds originating from officially sanctioned parades and other public events.

(i) Sounds emitted from petroleum refinery boilers during startup of said boilers: PROVIDED, That the startup operation is performed during daytime hours whenever possible.

(j) Sounds created by watercraft.

(k) Sounds created by the discharge of firearms in the course of hunting.

(l) Sounds caused by natural phenomena and unamplified human voices.

(m) Sounds created by motor vehicles, licensed or unlicensed, when operated off public highways EXCEPT when such sounds are received in Class A EDNAs.

(n) Sounds originating from existing natural gas transmission and distribution facilities. However, in circumstances where such sounds impact EDNA Class A environments and complaints are received, the director or his designee may take action to abate by application of EDNA Class C source limits to the facility under the requirements of WAC 173-60-050(5).

~~((5) The following shall be exempt from all provisions of WAC 173-60-040 until February 1, 1978 or amended regulations are developed, whichever occurs sooner:~~

~~(a) Sounds originating from natural gas transmission facilities installed prior to September 1, 1975.~~))

(6) Nothing in these exemptions is intended to preclude the department from requiring installation of the best available noise abatement technology consistent with economic feasibility. The establishment of any such requirement shall be subject to the provisions of the Administrative Procedure Act, chapter 34.04 RCW.

WSR 82-22-090
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed November 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning regulation relating to minimum functional standards for solid waste handling, amending chapter 173-301 WAC;

that the agency will at 1:30 p.m., Tuesday, December 7, 1982, in Hearings Room, Department of Ecology, Air and Land Offices, Rowesix Building 4, 4224 Sixth Avenue S.E., Lacey, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 10, 1982.

The authority under which these rules are proposed is RCW 70.95.060.

The specific statute these rules are intended to implement is chapter 70.95 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 10, 1982.

Dated: November 3, 1982
By: Donald W. Moos
Director

STATEMENT OF PURPOSE

Title: Amending chapter 173-301 WAC Regulation Relating to Minimum Functional Standards for Solid Waste Handling.

Description of Purpose: To establish minimum standards for solid waste handling statewide and set out responsibilities for involved persons and agencies.

Statutory Authority: RCW 70.95.060 and chapter 70-.95 RCW.

Summary of Rule: All changes are related to sewage sludge disposal or utilization. New sections are added identifying a process of utilization and identifying specific methods and requirements for disposal.

Reasons Supporting Proposed Action: The responsibilities for sewage sludge handling will be made more clear to regulators and the general public. More flexible permitting for utilization sites is allowed from jurisdictional health departments.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Earl Tower, Department of Ecology, Mailstop PV-11, Olympia, WA 98504, (206) 459-6316.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government; jurisdictional health districts.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: Proposed modifications to chapter 173-301 WAC provide inclusion of sludge utilization guidelines in the solid waste regulation. Chapter 173-301 WAC sets minimum functional standards for jurisdictional health departments to follow in regulating solid waste handling and disposal. These modifications clarify sludge as a solid waste and incorporate sludge utilization guidelines into the existing regulation.

Anticipated economic impact on small business is negligible, since practice by jurisdictional health departments is not expected to change as a result of this incorporation.

AMENDATORY SECTION (Amending Order DE 72-21, filed 10/26/72)

WAC 173-301-110 DEFINITIONS. (1) "Agricultural solid wastes" are wastes resulting from the production of farm or agricultural products including manures wherever produced.

(2) "Ashes" is the residue from the burning of wood, coal, coke or other combustible materials.

(3) "Bulky waste" is large items of refuse, such as appliances, furniture, trees and stumps, and other oversize wastes.

(4) "Collecting agency" is any agency, business or service operated by a person, or a private, or municipal corporation for the collecting of solid waste.

(5) "Composting" is the controlled microbial degradation of organic waste yielding a nuisance-free product.

(6) "Container, storage, individual, reusable," is a durable, corrosion-resistant, rodent-resistant, easily cleanable container with tight fitting lids and equipped with suitable handles with a capacity of 32 gallons or less.

(7) "Container, storage, individual, disposable," is a wet strength kraft paper or a polyethylene discardable container that is free standing, affixed to a wall, or mounted on or in special racks or boxes with a capacity of 20 to 35 gallon capacity.

(8) "Container detachable," is a partially mechanized self-service refuse storage container for individual or bulk use, utilizing special equipment for emptying or transporting to the disposal site.

(9) "Disposal" or "deposition" is the discharge, deposit, injection, dumping, spilling, leaking, or placing of any "solid waste" into or on any land or water.

(10) "Disposal site" is the location where any final treatment, utilization, processing, or deposition of solid waste occurs. (RCW 70.95-.030) ((~~This includes, but is not limited to, sanitary landfills, incineration, composting, dumps, and grinding, transfer stations, salvage and reclamation sites, hog feeding.~~

~~(10)~~)) (11) "Final treatment" is the act of processing or preparing "solid waste" for disposal, utilization, reclamation, or other approved method of use.

(12) "Garbage" is all putrescible material including animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food; swill and carcasses of dead animals, except sewage, sewage sludge, and human body wastes.

((~~(11)~~)) (13) "Hazardous wastes" include, but are not limited to, explosives, medical wastes, radioactive wastes, and chemicals which are harmful to the public health or the environment.

((~~(12)~~)) (14) "Incineration" is the controlled combustion of solid waste, that yields satisfactory nonputrescible residues and air effluents.

((~~(13)~~)) (15) "Incinerator" is a furnace and associated building designed to burn solid wastes under controlled conditions, of more than 50 pounds per hour capacity.

((~~(14)~~)) (16) "Industrial wastes" are waste by-products at manufacturing operations.

((~~(15)~~)) (17) "Inert material" is inactive or neutral solid waste.

((~~(16)~~)) (18) "Jurisdictional health department" means city, county, city-county or district health department, or its duly authorized representative. (RCW 70.95.030)

((~~(17)~~)) (19) "Leachate" is water that has passed through a landfill or an accumulation of solid waste, containing dissolved and suspended and/or microbial contaminants.

((~~(18)~~)) (20) "Light material" is paper, plastic, cardboard, and other wastes which may be wind transported.

((~~(19)~~)) (21) "Litter" is solid waste that is scattered in a careless manner.

((~~(20)~~)) (22) "Litter receptacle" is a specialized storage container for nonputrescible litter approved under the litter control act. (chapter 70.93 RCW)

((~~(21)~~)) (23) "Local fire control agency" is a public or private corporation providing fire protection such as a local department or district, the department of natural resources and the U.S. forest service.

((~~(22)~~)) (24) "Nuisance" consists in unlawfully doing an act, or omitting to perform a duty, which act or omission either annoys, injures, or endangers the comfort, repose, health or safety of others, offends decency, or unlawfully interferes with, obstructs, or tends to obstruct, any lake or navigable river, bay, stream, canal, or basin, or any public park, square, street or highway; or in any way renders other persons insecure in life, or in the use of property. (RCW 7.48.120)

((~~(23)~~)) (25) "Open burning" is the burning of solid wastes in an open area, or pile; or in a barrel or furnace with inadequate controls which yields an unsatisfactory residue and an unsatisfactory air effluent.

((~~(24)~~)) (26) "Person" is an individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever. (RCW 70.95.030)

((~~(25)~~)) (27) "Premise" is a tract or parcel of land with or without habitable buildings.

((~~(26)~~)) (28) "Problem wastes" are bulky wastes, abandoned vehicles, construction and demolition wastes, industrial wastes, manure, fly ash and such other solid waste that may take special handling.

((~~(27)~~)) (29) "Processing" is the operation of solid waste handling that converts it into a useful product or prepares it for disposal.

((~~(28)~~)) (30) "Reclamation" is ((~~the disposal~~)) a process in which there is hand and/or mechanical segregation of solid waste for the purpose of sale and reuse including salvage.

((~~(29)~~)) (31) "Reclamation site" is a location used for the processing or the storage of reclaimed material.

((~~(30)~~)) (32) "Recycling" is process of reclamation.

((~~(31)~~)) (33) "Sanitary landfill" is a method of disposing of solid waste on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

((~~(32)~~)) (34) "Scavenging" is the uncontrolled removal of materials at a disposal site or transfer station.

((~~(33)~~)) (35) "Sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a municipal wastewater treatment plant or private wastewater treatment system.

(36) "Solid waste" ((~~is~~)) means all putrescible and nonputrescible solid and semisolid wastes, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities. (RCW 70.95.030) This includes all solids, semisolids, contained liquid or gaseous materials not presently used, needed, or wanted, resulting from private, industrial, commercial, mining, and agricultural operations, including sludge from a wastewater treatment plant.

((~~(34)~~)) (37) "Solid waste handling" means the storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes. (RCW 70.95.030)

((~~(35)~~)) (38) "Tipping floor" is the unloading area for delivering solid waste to an incinerator, transfer station, or reclamation site.

((~~(36)~~)) (39) "Transfer station" is a fixed, supplemental, collection/transportation/disposal facility, used by persons and route collection vehicles to deposit solid wastes into a larger transfer vehicle for transport to the disposal site. This does not include a detachable container used for consolidation of the solid wastes from individuals in rural or small town populations.

((~~(37)~~)) (40) "Utilization" means to benefit by consuming, expending, or exhausting by use, "solid waste" materials.

(41) "Vector" is a living animal, insect or other arthropod which transmits an infectious disease from one animal or person to another.

AMENDATORY SECTION (Amending Order DE 72-21, filed 10/26/72)

WAC 173-301-180 SOLID WASTE DISPOSAL SITE. A solid waste disposal site shall not be established or substantially altered until the site location, facilities and proposed method of operation have been approved by permit from the jurisdictional health department. (Chapter 70.95 RCW) Sludge utilization projects that are covered by a permit pursuant to WAC 173-301-181(4) shall not be subject to the requirements of WAC 173-301-182 through 173-301-197 unless deemed necessary by the jurisdictional health department.

(1) The disposal site shall comply with the county or multi-county comprehensive solid waste management plan and these minimum standards as required by chapter 70.95 RCW.

(2) The disposal site or facility shall be located, designed, constructed, operated and maintained so as to prevent the creation of a nuisance, and shall comply with all state and local requirements including but not limited to, if applicable, zoning, land use, fire protection, water pollution prevention, air pollution prevention and esthetics.

(3) The owner and/or occupant of any premise shall be responsible for the satisfactory and legal disposal of solid wastes generated by his activity.

AMENDATORY SECTION (Amending Order DE 72-21, filed 10/26/72)

WAC 173-301-181 SOLID WASTE DISPOSAL SITE—APPLICATION AND PLANS. Application for a disposal site permit shall be made to the jurisdictional health department on forms prescribed by the department of ecology, accompanied by necessary plans and specifications detailing existing and proposed facilities and operation. (RCW 70.95.180) ((~~The application for new sites or substantially altered sites shall be accompanied by an environmental impact statement. A design report may be necessary. An incinerator application must be accompanied by a "notice of construction."~~))

(1) Application for new sites or substantially altered sites may need additional information to fulfill state environmental policy act requirements.

(2) A design report may also be necessary along with a permit submittal.

(3) A permit application for solid waste incineration must be accompanied by a "notice of construction."

(4) A jurisdictional health department may issue general or multisite permits for utilization of sludge, provided such activities are conducted in accordance with department published "Municipal and Domestic Sludge Utilization Guidelines" identified in WAC 173-301-330. Generally one-time or infrequent application of sludge in relatively small quantities, under favorable soils, hydrologic, and topographic conditions, are most suitable for general permitting. Each general permit shall specify the type of activities to be covered. General permits shall follow the procedures for solid waste permitting as described in RCW 70.95.180.

NEW SECTION

WAC 173-301-320 SLUDGE LANDFILLING. Not all wastewater treatment sludges are suitable for landfilling due to pathogens, odors, percent solids or operational problems. Any sludge that is designated as a dangerous waste must be landfilled at a dangerous waste

site permitted according to the Dangerous waste regulation, chapter 173-303 WAC. The following methods for sludge landfilling have been identified:

(1) Trenching - where a subsurface excavation is required so that sludge can be placed entirely below the original ground surface. Trench width and depth is a function of volume needed, depth to ground water, sidewall stability, and equipment limitations. Daily cover is required.

(2) Fill area - where sludge is placed above the original ground surface. To achieve stacking sludge it is necessary to mix in a bulking agent (usually soil) to create a mound. Stacking sludge can also be accomplished by alternating layers of soil or sludge. Mixing and layering methods require sludge solids content to be fifteen to twenty percent and at least one part soil is needed for each part sludge. Daily cover is required.

(3) Sludge/Soil Mixing - where sludge mixed with soil is used as interim or final cover over completed areas of refuse landfills or sludge is mixed or covered with top soil at a shallow depth above agronomic rates with a treatment system, berms, or liner required.

(4) Other sludges such as screening, grit, skimmings, and industrial sludge may require special handling and disposal practices reviewed and approved on a case-by-case basis.

NEW SECTION

WAC 173-301-321 SLUDGE LANDFILLING—POLLUTION PREVENTION. The design of sludge landfills must be such that existing ground and surface waters are protected from becoming polluted. A separation equivalent to four feet of impervious soil shall be the minimum separation between the bottom of the fill and highest ground water level.

NEW SECTION

WAC 173-301-322 SLUDGE LANDFILLING—FINAL COVER. As soon as possible after reaching the final filling or stacking the area shall be covered with an adequate layer of compacted soil. The final cover should allow for surface water runoff, prevention of odors, prevention of the area being a hazard to trespassers and make the site more aesthetically compatible with the surrounding area.

NEW SECTION

WAC 173-301-323 SLUDGE LANDFILLING—FINAL SURFACE. The finished surface of the sludge filled area shall be covered with adequate tillable soil and seeded with native grasses or other suitable vegetation after final cover is applied. If necessary, slopes shall be covered with straw or other mulch to prevent erosion.

NEW SECTION

WAC 173-301-324 SLUDGE LANDFILLING—RECORDING WITH COUNTY AUDITOR. Maps and a statement of facts concerning the sludge landfill shall be recorded with the county auditor and made a part of the deed not later than three months after the completion of operations. Records and plans specifying materials, location, and period of operation shall be available to the general public.

NEW SECTION

WAC 173-301-330 SLUDGE UTILIZATION. General provisions for the storage, transportation, and beneficial use of sludge resulting from domestic and municipal wastewater treatment facilities has been established by the department of ecology and published in the form of a guideline. The "Municipal and Domestic Sludge Utilization Guidelines (WDOE 82-11)" established specific provisions for the controlled land spreading of sludge to protect public health and the environment. Controlled land spreading can improve plant growth and topsoil development because of nutrients and organic matter contained in domestic and municipal sludge. Land spreading can be an environmentally sound long-term solution for sludge generating facilities.

WSR 82-22-091
ADOPTED RULES
DEPARTMENT OF LICENSING
(Board of Nursing)
[Order PL 410—Filed November 3, 1982]

Be it resolved by the Washington State Board of Nursing, acting at Seattle, Washington, that it does adopt the annexed rules relating to the amending of WAC 308-120-162, 308-120-163, 308-120-164, 308-120-165, 308-120-166, 308-120-300, 308-120-305, 308-120-400, 308-120-410, 308-120-420, 308-120-430, 308-120-440, 308-120-450, adding new sections WAC 308-120-315, 308-120-325, 308-120-335, 308-120-355, 308-120-360, 308-120-365, repealing WAC 308-120-310, 308-120-320, 308-120-330, 308-120-340 and 308-120-350.

This action is taken pursuant to Notice No. WSR 82-18-078 filed with the code reviser on September 1, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.88.030(2), 18.88.080 and 18.88.140 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED October 23, 1982.
By Margaret M. Sullivan, R.N.
Executive Secretary

AMENDATORY SECTION (Amending Order PL 370, filed 1/27/81)

WAC 308-120-162 FILING OF APPLICATION FOR LICENSING EXAMINATION. (1) All applicants shall file with the Washington State Board of Nursing a completed notarized application, with the required fee prior to May 1, for the July examination and December 1 for the February examination.

(2) Applicants shall request the school of nursing to send an official transcript directly to the ((~~division of professional licensing~~)) Board of Nursing.

(3) Applicants shall also file an examination application, along with the required fee directly with the testing service.

((~~(3)~~)) (4) Applicants who have filed the required applications and met all qualifications will be notified of their eligibility, and only such applicants will be admitted to the examination.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order PL 370, filed 1/27/81)

WAC 308-120-163 LICENSING EXAMINATION. (1) ((~~The official registered nurse licensing examination shall be the current series of the State Board Test Pool Examination for registered nurse licensure.~~)) The current series of the National Council of the State Board of Nursing Registered Nurse Examination (NCLEX) shall be the official examination for registered nurse license.

((~~(2) The minimum passing score is a standard score of 350 for each one of the five tests included in the examination, up to and including the February 1982 examination.~~))

((~~(3)~~)) (2) ((~~As of July 1982, there~~)) The NCLEX will ((~~be~~)) consist of four two-hour tests with a minimum passing standard((~~s~~)) score of 1600 for the total examination.

((~~(4)~~)) (3) Examinations shall be conducted twice a year, in February and July.

((~~(5) The annual contract with the testing services for the use of the State Board Test Pool Examination shall be negotiated by the executive secretary or the chairman of the board.~~))

(4) The executive secretary of the board shall negotiate with The National Council of State Boards of Nursing, Inc. (NCSBN) for the use of the NCLEX.)

((~~(6)~~)) (5) The examination shall be administered in accord with the ((~~National Council of State Boards of Nursing, Inc.,~~)) NCSBN security measures and contract.

AMENDATORY SECTION (Amending Order PL 370, filed 1/27/81)

WAC 308-120-164 RELEASE OF RESULTS OF EXAMINATION. (1) Candidates shall be notified regarding the examination results by mail only.

(2) Candidates who pass shall receive ((~~the results of the examination and~~)) a license to practice as a registered nurse provided all other requirements are met.

(3) Candidates who fail shall receive ((~~the results of the examination and~~)) a letter of notification regarding their eligibility to rewrite the examination.

(4) In addition to a listing of the names of graduates indicating whether each passed or failed the examination, each ((~~such~~)) school of nursing in Washington shall receive a statistical report of the ((~~test~~)) examination results of candidates from that school.

(5) ((~~Results or scores~~)) Scores of the examination will not be released to anyone except as provided above unless release is ((~~otherwise~~)) authorized by the candidate in writing.

(6) The candidate's examination results will be maintained in his/her application file in the Division of Professional Licensing, Department of Licensing.

AMENDATORY SECTION (Amending Order PL 370, filed 1/27/81)

WAC 308-120-165 FAILURES—REPEAT EXAMINATION. (1) The application forms to rewrite the examination and fees ((~~when required~~)) shall be filed ((~~with the board~~)) on or before May 1 for the July examination and December 1 for the February examination.

(2) Candidates who failed ((~~any test(s)~~)) the examination will be permitted to rewrite ((~~any failed test~~)) the examination three (3) times within the two-year period from the ((~~date~~)) month of first writing. ((~~until February 1, 1982. After February 1, 1982, all candidates who fail the examination will be required to rewrite the entire examination.~~))

(3) ((~~If a candidate fails the first examination taken, no additional fee will be required, provided that the candidate appears for and takes the next scheduled examination. Candidates shall pay the required examination fee for any subsequent examination taken.~~)) If the candidate fails the first examination, the state will require no additional fee from the candidate who takes the next scheduled examination.

(4) Candidates who fail to pass the examination within the time period specified in (2) above shall be required to complete a program of study approved by the board. Upon successful completion of the approved program, the candidate shall be required to write the entire examination.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order PL 370, filed 1/27/81)

WAC 308-120-166 APPLICANTS PREVIOUSLY LICENSED IN A FOREIGN COUNTRY. (1) Applicants for licensure educated in a country outside the United States or its territories shall meet the following requirements for licensure:

(a) Satisfactory completion of a basic nursing education program approved in the country of original licensure.

(i) The nursing education program shall be equivalent to the minimum standards prevailing for state board approved schools of nursing in Washington at the time of graduation.

(ii) Any deficiencies in the nursing program (theory and clinical practice in medical, psychiatric, obstetric, surgical and pediatric nursing) shall be satisfactorily completed in a state board approved school of nursing.

(b) Satisfactory passage of the screening examination for foreign nurses. As of May 1, 1981, all applicants from countries outside the United States, and never before licensed in one of the U. S. jurisdictions shall have passed the Commission on Graduates of Foreign Nursing Schools (CGFNS) qualifying examination.

(c) Applicants licensed under the laws of a country outside the United States or its territories shall be required to take the ((~~state board test pool examination for registered nurse licensure~~)) current series of the National Council of State Boards of Nursing Registered Nurse Examination (NCLEX) as provided in WAC 308-120-163: PROVIDED, That those persons meeting the requirements of WAC 308-120-168(2) are exempt from this requirement.

(d) All other requirements of the statute and regulation shall be met.

(2) Applicants for examination shall:

(a) ((~~Submit a completed notarized application with nonrefundable fee~~)) File with the Board of Nursing a completed notarized license application with the required fee prior to May 1 for the July examination and prior to December 1 for the February examination.

(b) Request the school of nursing to submit an official transcript directly to the division of professional licensing.

(c) Applicants shall also file an examination application, along with the required fee directly with the testing service.

((~~(c)~~)) (d) Request the licensing agency in the country of original license to submit evidence of licensure.

((~~(d)~~)) (e) Submit a notarized copy of the certificate issued by the CGFNS.

((~~(e)~~)) (f) If the applicant's original documents (education and licensing) are on file in another state or with the CGFNS, the applicant may request that the state board or the CGFNS ((~~to~~)) send notarized copies in lieu of the originals.

AMENDATORY SECTION (Amending Order PL 270, filed 6/16/77)

WAC 308-120-300 CERTIFIED REGISTERED NURSE. A certified registered nurse shall:

(1) Hold a current license to practice as a registered nurse in Washington, ((~~RCW 18.88.020.~~)) and

((~~(2) Hold a current certification in a speciality area of nursing through a national association approved by the board.~~

~~(3) Submit evidence of current certification with the annual renewal of registered nurse licensure.~~))

(2) Have been granted a certification credential for specialized and advanced nursing practice granted by a national certifying body whose certification program is approved by the board.

AMENDATORY SECTION (Amending Order PL 270, filed 6/16/77)

WAC 308-120-305 USE OF NOMENCLATURE. Any person who ((~~meets the requirements of~~)) qualifies under WAC 308-120-300 ((~~to practice as a certified registered nurse in this state~~)) and whose application for certified registered nurse designation has been approved by the board shall be designated as a certified registered nurse and shall have the right to use the title "Certified Registered Nurse" and the abbreviation "CRN". No other person shall assume such title or use such abbreviation or any other words, letters, signs or figures to indicate that the person using same is a certified registered nurse.

NEW SECTION

WAC 308-120-315 CERTIFICATION AND CERTIFICATION PROGRAM. (1) Certification is a voluntary form of credentialling, under sponsorship of a national certifying body that recognizes specialized and advanced nursing practice.

(2) A certification program is used by a national certifying body to grant the certification credential. A certification program shall be based on:

(a) A scope of practice statement which shall denote the dimension and boundary, the focus, and the standards of specialized and advanced nursing practice in the area of certification.

(b) A formal program of study requirement in the area of certification which shall:

(i) be based on measurable objectives that relate directly to the scope of practice;

(ii) include theoretical and clinical content directed to the objectives;

(iii) until July 1, 1984, be acceptable to the board and shall include clinical practice in the area of certification or two years of current practice in the area of certification; and

(iv) after July 1, 1984, be equivalent to at least one academic year. Current practice in the area of certification will not be accepted as a substitute for the formal program of study.

(c) An examination in the area of certification which shall:

(i) measure the theoretical and clinical content denoted in the scope of practice;

(ii) be developed in accordance with generally accepted standards of validity and reliability; and

(iii) be open only to registered nurses who have successfully completed the program of study referred to in (2)(b) of this rule.

NEW SECTION

WAC 308-120-325 BOARD APPROVAL OF CERTIFICATION PROGRAMS. (1) A certification program being considered for approval shall submit documentation showing that it meets the requirements of WAC 308-120-315(2).

(2) The board shall periodically review each certification program and may discontinue approval in the event that a certification program no longer meets the requirements of WAC 308-120-315(2).

(3) The board shall notify the certification program of pending review and may request that the program submit further information regarding its continued compliance with the provisions of WAC 308-120-315(2).

NEW SECTION

WAC 308-120-335 APPLICATION REQUIREMENTS FOR CRN. A registered nurse applicant for designation as a CRN shall:

(1) Meet the requirements of WAC 308-120-300.

(2) Submit a completed application on a form furnished by the board.

(3) Submit evidence of certification by a certification program approved by the board.

(4) Submit a non-refundable fee as specified in WAC 308-120-260.

NEW SECTION

WAC 308-120-355 TERMINATION OF CERTIFICATION BY THE CERTIFICATION PROGRAM.

The CRN shall immediately notify the board of termination of her/his certification from the certification program which was approved by the board.

NEW SECTION

WAC 308-120-360 TERMINATION OF CRN DESIGNATION BY THE BOARD. CRN designation may be terminated by the board when the CRN has:

(1) practiced outside the scope of practice denoted for the area of certification, or

(2) been found in violation of any provision of RCW 18.88.230.

NEW SECTION

WAC 308-120-365 CRN RECOGNITION AT EFFECTIVE DATE. Any registered nurse recognized as a CRN on the effective date of this rule shall continue to be so designated and shall be eligible for renewal of the CRN designation under the provisions of these rules.

AMENDATORY SECTION (Amending Order PL 310, filed 8/17/79)

WAC 308-120-400 CRN PRESCRIPTIVE AUTHORIZATION. (1) A registered nurse licensed under chapter 18.88 RCW when authorized by the Board of Nursing may prescribe drugs pursuant to applicable state and federal laws.

(2) Dispensing of legend drugs is not an authorized activity under the rules pertaining to prescriptive authority.

AMENDATORY SECTION (Amending Order PL 310, filed 8/17/79)

WAC 308-120-410 APPLICATION REQUIREMENTS FOR CRN PRESCRIPTIVE AUTHORITY. A registered nurse ((~~applicant~~)) who applies for ((~~authority~~)) authorization to prescribe drugs shall:

(1) be currently ((~~recognized~~)) designated as a certified registered nurse in Washington ((~~and shall not be in violation of the provisions of RCW 18.88.230~~));

(2) have been engaged in clinical practice for ((~~a total of~~)) one year, either as a requirement of the ((~~board-approved national~~)) certification program approved by the board, or practice subsequent to CRN ((~~recognition by the board~~)) designation;

(3) provide evidence of completion of thirty contact hours of education in pharmacology and clinical management of drug therapy related to the applicant's scope of practice and which are:

(a) obtained within a four-year time period immediately prior to the date of application for prescriptive authority. Eight of the thirty contact hours must have been obtained during the year immediately preceding the application.

((~~(i) at least eight contact hours shall be obtained in the year immediately prior to the date of application;~~))

(b) derived from the following:

(i) study within the CRN ((~~certification program~~)) area of certification;

(ii) study other than (i) above approved by the board; and

(4) submit a completed, notarized application on a form provided by the board accompanied by a ((~~specified~~)) nonrefundable fee as specified in WAC 308-120-260.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order PL 310, filed 8/17/79)

WAC 308-120-420 AUTHORIZED PRESCRIPTIONS BY THE CRN. (1) Prescriptions for drugs shall comply with all applicable state and federal laws.

(2) Prescriptions shall ((~~specify the indication for use and shall~~)) be signed by the prescriber with the initials "CRN" and the prescriber's identification number assigned by the board. ((~~with reference to specific CRN practice areas as follows:~~

~~anesthesia —10~~
~~midwifery —20~~
~~adult health —30~~
~~community health —40~~
~~family health —50~~
~~gerontology —60~~
~~maternal-gynecological-neonatal —70~~
~~medical/surgical —80~~
~~pediatrics —90~~
~~psychiatric/mental health —100~~
~~occupational health —110~~
~~neuro-surgical nursing —120~~))

(3) Prescriptions for controlled substances in schedules I through IV are ((~~statutorily~~)) prohibited by RCW 18.88.280(16). ((~~Controlled substances in Schedule V shall not be prescribed.~~))

(4) Any CRN with prescriptive authorization who prescribes schedule V controlled substances shall register with the Drug Enforcement Administration and the Pharmacy Board.

AMENDATORY SECTION (Amending Order PL 310, filed 8/17/79)

WAC 308-120-430 TERMINATION OF PRESCRIPTIVE AUTHORIZATION. Prescriptive authorization ((~~shall~~)) may be terminated by the board when the CRN has:

(1) not maintained current ((~~recognition~~)) designation as a CRN in the area of certification; or

(2) prescribed outside the CRN scope of practice or for other than therapeutic purposes; or

(3) ((~~been found in violation of chapter 18.88 RCW~~)) violated provisions of RCW 18.88.230.

AMENDATORY SECTION (Amending Order PL 310, filed 8/17/79)

WAC 308-120-440 PRESCRIPTIVE AUTHORIZATION PERIOD. (1) Prescriptive authorization shall be for a period of two years.

(2) Initial authorization shall expire on the applicant's second birthday ((~~anniversary date of the applicant~~)) following initial authorization.

(3) Subsequent renewal periods shall expire on the applicant's birthday ((~~anniversary date on a~~)) every two((=)) years ((~~cycle~~)).

(4) Authorization shall be ((~~approved for renewal~~)) renewed after ((~~meeting~~)) the applicant meets the requirements of WAC 308-120-450.

AMENDATORY SECTION (Amending Order PL 310, filed 8/17/79)

WAC 308-120-450 RENEWAL. CRN prescriptive authorization shall be renewed every two years. For renewal of prescriptive authorization, the applicant shall:

(1) Maintain current CRN ((~~recognition~~)) designation.

(2) Provide documentation of eight contact hours of continuing education during the renewal period in pharmacology and clinical management of drug therapy related to applicant's ((~~scope of practice approved by the board~~)) area of certification. This continuing education requirement shall be in addition to that required for renewal of CRN designation. Continuing education shall be derived from any combination of the following, approved by the board:

((~~(a) derived from any combination of the following approved by the board:~~

~~(i)~~)) (a) formal academic study;

((~~(ii)~~)) (b) continuing education offerings;

((~~(iii)~~)) (c) other learning activities.

((~~(b) obtained within the renewal period.~~))

(3) Submit a completed and notarized renewal application with ((~~specified~~)) nonrefundable fee. as specified in WAC 308-120-260.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

REPEALER

The following sections of the Washington Administrative Code are hereby repealed.

WAC 308-120-310 CERTIFICATION PROGRAMS APPROVED BY THE BOARD.

WAC 308-120-320 SCOPE OF PRACTICE OF CERTIFIED REGISTERED NURSE.

WAC 308-120-330 ARN/SRN REGISTRATION EXPIRATION.

WAC 308-120-340 CRN APPROVED ASSOCIATIONS AND/OR CERTIFYING BOARDS.

WAC 308-120-350 CRN CERTIFICATION PROGRAM.

WSR 82-22-092
PROPOSED RULES
BOARD OF CHIROPRACTIC EXAMINERS
[Filed November 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Chiropractic Examiners intends to adopt, amend, or repeal rules concerning Colleges—Educational standards required for accreditation, amending WAC 114-12-041;

that the agency will at 7:00 p.m., Tuesday, December 7, 1982, in the Vance Airport Inn, Olympic Room, 18220 Pacific Highway South, Seattle, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.25.025.

The specific statute these rules are intended to implement is RCW 18.25.025.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 7, 1982.

Dated: November 3, 1982
By: Sydney W. Beckett
Executive Secretary

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Chiropractic Examiners.

Purpose: WAC 114-12-041 Colleges—Educational Standards Required for Accreditation, would be amended to clarify the number of hours required as the study of the philosophy of chiropractic within the required study in principles of chiropractic.

Statutory Authority: RCW 18.25.025.

Summary of the Rule: WAC 114-12-041(3)(e) defines chiropractic philosophy as a required segment of instruction in principles of chiropractic for chiropractic colleges.

Reason Proposed: The amendment to WAC 114-12-041(3)(e) is proposed to aid chiropractic colleges in developing a curriculum that meets Washington statutory and regulatory requirements.

Responsible Departmental Personnel: In addition to the members of the board, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Sydney W. Beckett, Executive Secretary, Third Floor, Highways-Licenses Building, Olympia, WA 98504, 234-1817 Scan, 753-1817 Comm.

Proponents: This amendment was proposed by the Washington State Board of Chiropractic Examiners.

AMENDATORY SECTION (Amending Order PL 385, filed 11/4/81)

WAC 114-12-041 COLLEGES—EDUCATIONAL STANDARDS REQUIRED FOR ACCREDITATION. (1) Objectives-the college shall:

(a) Have clearly defined objectives.

(2) Administration and organization-the college shall:

(a) Be incorporated as a nonprofit institution and recognized as such by its state of domicile.

(b) Have full-time administrator.

(c) Have either a president or a dean of education with a doctor of chiropractic degree.

(d) Adopt policy of nondiscrimination as to national origin, race, religion, or sex.

(3) Educational offerings – the college shall:

(a) Provide educational offerings which prepare the student for successfully completing licensing examination and engaging in practice.

(b) Offer an educational program with a minimum of 4,000 in-class hours provided over a four year academic term.

(c) Have available syllabi for all courses.

(d) Offer chiropractic curriculum as follows: principles of chiropractic – 200 in-class hours; adjustive technique – 400 in-class hours; spinal roentgenology – 175 in-class hours; symptomatology and diagnosis – 425 in-class hours; clinic – 625 in-class hours.

(e) Offer ((~~80 percent~~)) at least 120 of the hours required for the study of "principles of chiropractic" as the study of ((~~the philosophy of chiropractic~~)) chiropractic philosophy, which shall be defined as the commonly held tenents which provide the basis for chiropractic as a separate and distinct form of practice.

The required 120 hours of philosophy instruction shall be clearly identified in the application and subsequent college catalogue as philosophy of chiropractic by course title and description. The remaining 80 required hours may include history of chiropractic, ethics, interprofessional relationships and other subjects specifically relating to the principles and practice of chiropractic.

(f) Not include mechanotherapy, physiotherapy, acupuncture, acupressure, or dietary therapy or any other therapy in computation of the qualifying 4,000 classroom hours.

(g) Maintain a clinical program sufficient to fulfill the objectives of the college.

(4) Faculty–the college shall:

(a) Provide sufficient faculty to support the educational program of the college.

(5) Students–the college shall:

(a) Select students on a nondiscriminatory basis.

(b) Require that students maintain a 2.00 grade average and have no chiropractic subject grade less than 2.0.

(c) Require the student to complete a four-year academic program which meets all requirements of statute and rule for licensing to practice chiropractic in Washington state.

(6) Physical facilities and equipment–the college shall:

(a) Maintain a library of size and quality sufficient to serve the educational program.

(b) Maintain a basic plant that facilitates the educational program.

(c) Maintain clinic facilities that are of sufficient size and equipped appropriately to serve the student.

(7) Financial–the college shall:

(a) Have adequate present and anticipated income to sustain a sound educational program.

(b) Have well formulated plans for financing existing and projected education programs.

(c) Have an annual audit of financial records by a CPA.

(d) Make records available for review by the board upon request.

(8) Self-evaluation – the college shall:

(a) Have a program of continuing self-evaluation and such evaluation must be made available upon request by the board.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 82-22-093
PROPOSED RULES
DEPARTMENT OF GENERAL ADMINISTRATION
(Division of Savings and Loan Associations)

[Filed November 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Division of Savings and Loan Associations, Department of General Administration, intends to adopt, amend, or repeal rules concerning satellite facilities, amending WAC 419-28-020, 419-28-030, 419-28-050, 419-28-990; adding new sections WAC 419-28-060, 419-28-070, 419-28-080 and miscellaneous credit union rules, adding new chapter 419-44 WAC;

that such agency will at 2:00 p.m., Thursday, December 9, 1982, in the Small Conference Room, 1st Floor, General Administration Building, Olympia, Washington, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 30.43.020 and 30.43.045 as to sections in chapter 419-28 WAC; and RCW 31.12.320, 31.12.200 and 31-.12.320 as to WAC 419-44-010, 419-44-020 and 419-44-030, respectively.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to December 9, 1982, and/or orally at 2:00 p.m., Thursday, December 9, 1982, Small Conference Room, 1st Floor, General Administration Building, Olympia, Washington.

Dated: November 3, 1982
By: William L. Williams
Assistant Attorney General

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Chapter 419-28 WAC.

Chapter 30.43 RCW, "Satellite Facilities", authorizes availability of satellite facilities for, inter alia, savings and loan associations and credit unions. This regulation establishes a method of application for satellite facilities, filing fees, application for network system approval, a method for approval of modification of approved network systems, and introduces a model application.

Under the Regulatory Fairness Act, section 3, chapter 6, Laws of 1982, it is not feasible to have different standards for small state chartered savings and loan associations and associations not falling within the purview of the section. In response to section 4, the regulation is designed to simplify the process for state chartered savings and loans to qualify for participation in satellite facilities, therefore, a reduction in cost of compliance will result.

Re: WAC 419-44-010.

RCW 31.12.210 authorizes discretionary acceptance of reports of independent auditors in lieu of examinations required thereunder. This regulation establishes the basis for discretionary acceptance of independent audits by the supervisor.

Re: WAC 419-44-020.

RCW 31.12.200 requires that the auditing committee of each credit union verify share and loan accounts under regulations promulgated by the supervisor. This regulation establishes the basis for verification of member accounts.

Re: WAC 419-44-030.

Implied throughout chapter 31.12 RCW, is the supervisor's responsibility for safety and soundness of Washington state-chartered credit unions. RCW 31.12-.320 charges the supervisor with the authority and responsibility for examination and investigation into the affairs of these credit unions. The supervisor's responsibility includes promulgation of rules and regulations designed to establish uniform guidelines for investigation of accounting equipment or systems prior to commitment and examination subsequent to acquisition. This regulation establishes a basis for investment in and maintenance of electronic data processing accounting systems.

These regulations drafted and proposed by R. H. "Bob" Lewis, Supervisor, Division of Savings and Loan, 217-C General Administration Building, Olympia, Washington 98504, Telephone: 753-5597.

The supervisor will be responsible for enforcement of these regulations.

AMENDATORY SECTION (Amending Order 74-5, filed 6/3/74)

WAC 419-28-020 APPLICATION FOR SATELLITE FACILITIES—FEE. ((~~The applicant shall, upon making application for a satellite facility, enclose a check for one hundred dollars to apply to the cost of the investigation by the division. If the actual cost of such investigation exceeds that amount, the applicant shall pay the excess amount upon being billed by the supervisor. The supervisor shall not grant final approval of the application until the entire cost has been paid. The fee shall be collected for all applications or investigations made on and after July 25, 1974.~~))

(1) The fee for filing an application for approval of the supervisor for a savings and loan association or credit union to provide a satellite facility or facilities which are to be used exclusively by its own customers is one hundred dollars. In the event the application is for approval of the supervisor to provide more than one such satellite facility, the filing fee on such a multiple application is one hundred dollars for the first such satellite facility and one hundred dollars for each additional satellite facility. This fee shall be deemed to include the cost of processing the application and the cost of an attendant investigation, but if the cost therefor (computed at thirty dollars per employee hour plus actual expenses) exceeds the filing fee, the applicant shall pay such excess when ascertained by the supervisor.

(2) The fee for filing an application for approval of a network system of satellite facilities as defined in WAC 419-28-050(4) is one thousand dollars. This fee shall be deemed to include the cost of processing the application and the cost of an attendant investigation, but if the actual cost of such processing and investigation (computed at thirty dollars per employee hour plus actual expenses) exceeds the filing fee, the applicant shall pay such excess when ascertained by the supervisor.

(3) The fee for each application to modify a previously approved network system made in accordance with WAC 419-28-070(1) or (2) is one hundred dollars. The fee for application to modify a previously modified network system under WAC 419-28-070(3) shall be computed by the supervisor at thirty dollars per employee hour plus actual expenses, with a minimum fee of one hundred dollars per application.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 74-5, filed 6/3/74)

WAC 419-28-030 APPLICATION FOR SATELLITE FACILITIES—ADDITIONAL INFORMATION. Application for approval to provide a satellite facility or facilities which are to be used exclusively by the customers of one state-chartered savings and loan association or credit union shall be submitted in accordance with this section. The application shall be filed with the supervisor's office in Olympia on the form set forth in WAC 419-28-990. A separate application must be made for each satellite facility, and must include the minimum fee required by WAC 419-28-020.

The applicant shall submit the following information with the application form:

(1) Types of transactions to be conducted.

(2) ((~~Names of other financial institutions expected to share in the use of the facility.~~)) Details as to ownership and operation of the facility or facilities.

(3) ((~~Arrangements for sharing costs in connection with its installation and operation, including estimates of actual cost to applicant.~~)) If requested by the supervisor to aid the determination of whether the public convenience will be served by the proposed satellite facility or facilities, an analysis of the trade area to be served by the proposed facility or facilities. Included within this analysis shall be a study of the number of customers of the applicant living, working and/or shopping in the trade area to be served by the proposed satellite facility or facilities and the likelihood of those customers using the facility.

((~~(4) Details as to ownership and operation of the facility.~~))

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 74-5, filed 6/3/74)

WAC 419-28-050 DEFINITIONS. ((~~As used in these regulations, the phrase "provide satellite facility(ies)" shall mean to establish a satellite facility or share a satellite facility with other financial institutions.~~)) As used in these regulations:

(1) "Supervisor" means supervisor of savings and loan associations appointed pursuant to RCW 43.19.100.

(2) "Satellite facilities" within the meaning of chapter 30.43 RCW include, without limitation, both "on-line" and "off-line" cash dispensing or automated teller facilities which are not on the premises of the financial institution whose customers use these facilities. Such facilities constitute "satellite facilities" irrespective of whether they are owned by the financial institution or by others.

(3) "Switch" means an electronic or paper-based switching system, pursuant to which transactions in a network system of satellite facilities are effected, routed and processed.

(4) "Network system" means one or more satellite facilities the use of which is shared on a contractual basis among more than one participating financial institution and which are identified with a common trademark or trade name.

(5) "Sponsor" means the owner or operator of a network system.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 419-28-060 NETWORK SYSTEMS. Application for approval to establish or operate a network system in which one or more state-chartered savings and loan associations or credit unions participate shall be submitted in accordance with this section. Application may be made either by the sponsor or by one or more participating financial institutions. The application shall include the following:

(1) A copy of a resolution of the governing body of each savings and loan association or credit union participating in the network system, authorizing such participation.

(2) A list showing the exact location of each proposed satellite facility, including the street address, city and state. If a satellite facility is to be located in a retail store, institution, office building or other type of merchant or business establishment, indicate the name and type of establishment. If a satellite facility is to be located in a shopping center, state the name of the shopping center.

(3) A list of all equipment necessary to operate the network system, including the terminal (specify manufacturer), auxiliary equipment, and the data centers where transactions will be routed.

(4) Identification and description of the type of activator and personal identification code (PIC) which will be used by customers at satellite facilities to access their accounts, as well as indication of how and by whom the activator and the PIC will be issued, with a description of the security measures to be taken.

(5) A complete description in full detail of the design and general operating features of the network system. At a minimum, this response must include a discussion of:

(a) the proposed hours of operation;

(b) the mode of operation (i.e., off-line, off-line with on-line terminals, on-line, or a combination);

(c) transactions and transaction restrictions;

(d) procedures for verification, authorization, storage and posting of transactions;

(e) receipts, audit trails, "hot-card" files, and any other measures used to protect the integrity of the system;

(f) the switch, including (i) an explanation of the means by which a transaction is routed to the appropriate data centers; (ii) a description of logging and audit procedures for the purpose of verifying transactions processed through the switch; (iii) the identity of all data centers involved in the operation of the system; (iv) the identity of any party or parties other than the sponsor responsible for operation of the switch, (v) a description of the sponsor's or such other party's or parties' experience and qualifications in switch operation, and (vi) procedures for operation during terminal, switch, or CPU down-time (whether scheduled or unscheduled).

(6) If there are financial institutions participating in the network system which do not have offices within this state, evidence that satellite facilities in the jurisdiction in which such institutions are organized are made available on a reciprocal basis to financial institutions which have offices in the state of Washington.

(7) Such identification of the party or parties who will own and maintain the satellite facilities as the supervisor may require.

(8) Evidence of bonding and insurance coverage for the sponsor and other parties involved in operation of the switch or network system.

(9) A complete description in full detail of the procedures for protection of customer privacy and the confidentiality of account information.

(10) A complete description in full detail of the procedures to be used to protect against fraudulent use of the network system.

(11) Copies of agreements between financial institution participants and the sponsor. If the agreements are in standardized form, a sample will suffice.

(12) Names and head office addresses of all financial institutions who will participate in the network system.

(13) A description of the method of sharing, including the organizational structure of the network system and the basis for sharing capital expenditures and operating costs.

(14) A certified copy of a resolution of the governing body of the sponsor which (a) authorizes the supervisor to conduct such examinations of the network system and its various component parts as are deemed necessary by the supervisor; (b) sets forth the agreement of the sponsor to pay the supervisor's expenses incurred in such examinations in accordance with the supervisor's rates for examinations of financial institutions as set forth in WAC 419-14-030 and WAC 419-18-040; (c) gives assurances to the supervisor that such authorization and agreement shall not be withdrawn until the expiration of at least thirty days after notice of such withdrawal has been given to the supervisor; and (d) confirms the understanding of the sponsor that failure to permit such examination by the supervisor shall be grounds for immediate suspension of the supervisor's approval of the network system.

NEW SECTION

WAC 419-28-070 MODIFICATION OF APPROVED NETWORK SYSTEMS. (1) A previously approved network system which desires to add satellite facilities shall submit in writing to the supervisor the exact location of each proposed additional satellite facility, including the street address, city and state. If a satellite facility is to be located in a retail store, institution, office building or other type of merchant or business establishment, indicate the name and type of establishment. If a satellite facility is to be located in a shopping center, state the name of the shopping center.

(2) A previously approved network system which desires to add participating financial institutions shall, either separately or in conjunction with the financial institution, submit to the supervisor the name and head office address of each such financial institution. For each such additional financial institution which is a savings and loan association or credit union, a copy of a resolution of the governing body of such institution authorizing participation in the network system shall also be submitted.

If the proposed additional financial institutions do not have offices in this state, evidence of the type required under WAC 419-28-060(6) shall be submitted to the supervisor for the jurisdiction in which such institution is organized, unless such information has previously been submitted for such jurisdiction.

(3) A previously approved network system which proposes to modify its system so that the information previously submitted to the supervisor will no longer accurately describe such system, shall submit in writing to the supervisor such information necessary to describe accurately such system as modified.

NEW SECTION

WAC 419-28-080 APPROVAL—DISAPPROVAL—REQUEST FOR HEARING. The supervisor shall notify the applicant and, in the case of a network system, all participating savings and loan associations and credit unions, of the approval of the satellite facilities or network system or modifications thereto. If the supervisor disapproves the application, reasons for such disapproval shall be set forth in the written notice of disapproval. The applicant may request a hearing before the supervisor by submitting a written request therefor within twenty days of the date of the supervisor's notice of disapproval. Such hearing and all further proceedings shall be governed by the provisions of chapter 34.04 RCW.

AMENDATORY SECTION (Amending Order 74-5, filed 6/3/74)

WAC 419-28-990 APPENDIX 1—APPLICATION TO PROVIDE SATELLITE FACILITY.

APPENDIX 1
APPLICATION TO PROVIDE
SATELLITE FACILITY
(NOT TO BE CONSTRUED TO BE THE ESTABLISHMENT OF A BRANCH)

To the Supervisor of the Division of Savings & Loan.

....., ..., Washington,
(savings & loan association or credit union hereinafter (city)
referred to as the applicant)

hereby initiates application for approval to provide satellite facilities at .....,
(include street designation or approximate location in terms of nearest intersection)

The location of the proposed satellite facility would be ..... miles distant from the main office and ..... miles distant from the nearest branch (name) of the Applicant.

We enclose a verified copy of a resolution adopted Date by the board of directors or board of trustees of the applicant, duly authorizing the undersigned to make this application, and obligate the applicant for necessary costs. Also is enclosed is a check ((~~for $100~~)) to apply upon the ((~~statutory~~)) costs of investigation. If the cost of investigation to be made exceeds the minimum ((~~of $100~~)) required by WAC 419-28-020, the applicant will pay such excess in accordance with ((~~WAC 419-28-010~~)) that section.

We also enclose the supporting data required by WAC 419-28-030 ((~~and 419-28-040~~)).

SUBSCRIBED AT ....., Washington, this ..... day of ....., 19((~~7~~))...

.....
(Please type name and position under signature) .....
.....

Reviser's note: RCW 34.04.058 requires the use of underlining and

deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

CHAPTER 419-44 WAC
MISCELLANEOUS CREDIT UNION RULES

WAC
419-44-010 State chartered credit unions—Acceptance of compliance audit instead of examination.
419-44-020 State chartered credit unions—Annual Verification of accounts.
419-44-030 State chartered credit unions—Data processing systems—Feasibility study required prior to acquisition—Annual review required.

NEW SECTION

WAC 419-44-010 STATE CHARTERED CREDIT UNIONS—ACCEPTANCE OF COMPLIANCE AUDIT INSTEAD OF EXAMINATION. (1) RCW 31.12.320 authorizes the acceptance, in the supervisor's discretion, of independent compliance audit reports in lieu of the examination required thereunder. In order to be considered for acceptance in lieu of an examination by the supervisor's staff, a compliance audit must meet the following conditions:

(a) The compliance audit was performed by accountants who have previously demonstrated extensive knowledge of the examination procedures and techniques utilized by the division of savings and loan;

(b) The scope of the compliance audit follows, but is not limited to, the scope of examinations conducted by the division of savings and loan, including a compliance review;

(c) The compliance audit includes a verification of loan and share accounts performed in accordance with WAC 419-44-020;

(d) The compliance audit includes a cash reconciliation, including an adequately documented physical cash count, and also includes an affirmative verification of investments and deposits by the audited credit union;

(e) Verification of the status of funds borrowed by the audited credit union, including promissory notes and certificates;

(f) The compliance audit sets forth such comments as are appropriate in a positive format specifying corrective action recommended and schedule for completing such corrective action;

(g) The compliance audit was performed at least nine months and not more than fifteen months after the last examination by the division of savings and loan;

(h) All working papers as well as the accountant's report, internal control report, and any other documents associated with the compliance audit are made available to the supervisor.

(2) Select portions of a compliance audit may be utilized by division of savings and loan examiners in conducting a particular examination if:

(a) The date of the audit corresponds reasonably with the date of the examination; and

(b) That portion of the audit being utilized is supported by working papers which substantially correspond to examination work papers utilized in the conduct of division of savings and loan examinations.

NEW SECTION

WAC 419-44-020 STATE CHARTERED CREDIT UNIONS—ANNUAL VERIFICATION OF ACCOUNTS. The requirements of RCW 31.12.200 that the auditing committee of each credit union verify the share and loan accounts semiannually may be satisfied by notifying in writing twenty-five percent or more of the members, selected on a random basis, of the current status of their share and loan accounts as reflected on the books of the credit union. In the event that unreconciled discrepancies are found in two percent or more of the members surveyed, a one hundred percent verification shall be conducted.

Verification shall be accomplished either by (1) requiring each member to communicate to the auditing committee (or independent auditing firm employed by the committee for this purpose) his or her disagreement with the credit union's records of his or her account; or (2) merely requesting that each member communicate any discrepancy to the auditing committee (or indpendent auditing firm employed by the committee for this purpose).

Credit unions having fewer than one thousand members shall verify one hundred percent of active loan and share accounts annually.

Reviser's note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WAC 419-44-030 STATE CHARTERED CREDIT UNIONS—DATA PROCESSING SYSTEMS—FEASIBILITY STUDY REQUIRED PRIOR TO ACQUISITION—ANNUAL REVIEW REQUIRED. (1) The supervisor finds that the acquisition by a credit union of an automated data processing system (either in-house or by contract with a service bureau) without adequate preplanning and analysis of the need for and cost effectiveness of such a system poses a substantial risk to the safety and soundness of such credit union. To minimize such risk, the supervisor promulgates the following requirements which must be met by state-chartered credit unions acquiring a new automated data processing system or substantially upgrading an existing system. These requirements apply, as appropriate, to systems which are acquired directly by credit unions and to those acquired by contract from an outside party.

(2) Prior to contracting for direct acquisition of an automated data processing system, the board of directors shall cause to be performed an independent review of the proposed acquisition by a qualified consultant with experience in similar engagements, which review shall include, without limitation, the following elements:

(a) Whether the cost involved in the acquisition is commensurate with the advantages to be achieved in the credit union's operation as a result of the acquisition;

(b) The availability of qualified personnel to operate the proposed new system and the amount and availability of training necessary to make the system operational;

(c) The availability of reliable long-range resources for equipments, parts, service, form design and software enhancements;

(d) The reliability, in terms of performance history and financial stability, of the contractor from whom the proposed acquisition is to be made.

(3) Prior to contracting with an outside party to provide an automated data processing system for a credit union, the board of directors shall cause to be performed an independent review of the proposed contract by a qualified consultant with experience in similar engagements, which review shall include, without limitation, the following elements:

(a) The reliability of the proposed contractor, including performance history and financial soundness;

(b) Capability of equipment to provide current reports promptly and to develop future programs for the credit union;

(c) Adequacy of lock-up and security;

(d) Availability of qualified personnel to operate the proposed new system and the amount and availability of training necessary to make the system operational;

(e) The adequacy of protection to the credit union afforded by the provisions of the proposed contract;

(f) The extent to which the financial obligations incurred by the credit union under the proposed contract are commensurate with the benefits to be realized in the credit union's operation under the proposed contract.

(4) The review required by this section shall be prepared in written form by an independent consulting firm with demonstrated expertise in evaluating automated data processing systems and having no financial relationship with either the proposed contractor or any subcontractor thereof. A copy of the review shall be submitted to the supervisor at least ten business days in advance of the execution of any proposed contract, and the credit union shall not execute such contract nor in any way commence the proposed acquisition without the supervisor's prior approval.

(5) In addition to the foregoing, each state chartered credit union which utilizes an automated data processing system shall cause to be prepared and submitted to its board of directors an annual review as provided in statement on auditing standards number three (SAS-3) promulgated by the American Institute of Certified Public Accountants, or its equivalent.

WSR 82-22-094
PROPOSED RULES
DEPARTMENT OF GENERAL ADMINISTRATION
[Filed November 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the director of the Department of General Administration intends to adopt, amend, or repeal rules concerning small works roster, adding new chapter 236-48 WAC;

that such agency will at 10:00 a.m., Monday, December 13, 1982, in the Large Conference Room, General Administration Building, Olympia, Washington, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is chapter 98, Laws of 1982.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to December 13, 1982, and/or orally at 10:00 a.m., Monday, December 13, 1982, Large Conference Room, General Administration Building, Olympia, Washington.

Dated: November 3, 1982
By: William L. Williams
Assistant Attorney General

STATEMENT OF PURPOSE

Description: The rule is authorized by chapter 98, Laws of 1982, ESSB 4200. This change in the statutes was requested by the Department of General Administration to simplify the process of contracting for public works projects of $25,000.00 or less. Rather than advertise statewide for public works projects of $25,000.00 or less, the agencies authorized to use the roster will solicit at least five quotations from contractors chosen at random by a computer from a list of contractors on the small works roster. In addition, whenever possible, one minority firm will be included in the solicitation. The Department of General Administration, Department of Fisheries, Department of Game, State Parks and Recreation Commission and other agencies as delegated by the director of the Department of General Administration will be authorized to use the roster. ESSB 4200 requires that the Department of General Administration shall prepare the rules for pre-qualification of contractors to be placed on the small works roster.

Summary: The rule provides for the qualification of contractors to be placed on a small works roster and describes how the small works roster would be utilized. Interested contractors would fill out a form that would include information about the firm and their interest. This information would be placed into a computerized data file. When an authorized agency has a public works project to be bid, they may ask the computer to provide a list of five names, randomly selected from the roster for the given location, specialty and category of project value. The agency would then contact these firms and solicit bids. Necessary safeguards would be provided in the system.

Agency Personnel: The Division of Engineering and Architecture, Department of General Administration, has the responsibility for drafting, implementation and enforcement of the rule. The office of E and A is located at Room 206, General Administration Building, Olympia, Washington. The personnel responsible is the Manager of E and A, Jack L. Brown, telephone number 753-3793, and Assistant Attorney General, William Williams, telephone number 753-6238.

Names of Proponents and Opponents: The names of the proponents are Keith Angier, the director of the General Administration Department, and Richard Siegle, deputy director of Facilities, General Administration Department. Names of the opponents are R. Dilger, Washington State Building and Construction Trade Council and S. Washburn, National Electrical Contractors Association.

Agency Comments or Recommendations: None.

Small Business Economic Impact Statement: Adoption of the rules for the small works roster will have an economic impact on more than ten percent of the construction industry. The economic impact on small business should be positive rather than negative. The compliance and reporting requirements are minimal. The construction industry in the state, in particular, the small business firms in that industry will incur less cost in pursuading state public works projects under $25,000.00 and still obtain the same amount of work. The negative economic aspect is the cost to fill out a form once a year. The form is described below. The rule is authorized by chapter 98, Laws of 1982, ESSB 4200. This change in the statutes was requested by the Department of General Administration to simplify the process of contracting for public works projects of $25,000.00 or less. Rather than advertise statewide for public works projects of $25,000.00 or less, the agencies authorized to use the roster will solicit at least five quotations from contractors chosen at random by a computer from a list of contractors on the small works roster. In addition, whenever possible, one minority firm will be included in the solicitation. The Department of General Administration, Department of Fisheries, Department of Game, State Parks and Recreation Commission and other agencies as delegated by the director of the Department of General Administration will be authorized to use the roster. ESSB 4200 requires that the Department of General Administration shall prepare the rules for pre-qualification of contractors to be placed on the small works roster. In order to be placed on the roster, the contractor must fill out a form. The form will require: Corporate or firm name; address; phone number; state contractors license number; type of construction firm; dollar value of projects of interest; geographical location(s) where jobs will be accepted. (dollar value may vary with location); and if the company is minority and/or women owned. This information will be entered into a computer and a letter sent to the contractor confirming that they are on the roster. In addition, the letter will contain all of the information entered into the computer so that the contractor can verify that it has been correctly entered on the roster. Currently, contractors wishing to obtain public works contracts under

$25,000.00 but greater than $2,500.00 must competitively bid projects that are advertised in newspapers and trade journals. With the roster the contractor will be competing against a fewer number of bidders, but will have fewer opportunities to bid. Since the selection of firms from the roster will be on a random basis, the industry will have the same equal opportunity to obtain state work, but would not have to bid as many projects. The cost of seeking state work under $25,000.00 dollars; therefore, would be less but would still achieve the same amount of business. The economic impact on small businesses is estimated to be a positive impact in that there would be less cost per dollar of sales. It is estimated that there would be a net gain of $.50 per $100.00 of the public works contracts with the state agencies listed above. In summary, the small works roster will have a positive impact on the small business contracting firms. The expenditure is minimal in filling out a very short form and mailing it to the state. In addition, they will expend less on seeking state work by bidding fewer jobs and having a better opportunity to win when they do bid.

Chapter 236-28 WAC
SMALL WORKS ROSTER

WAC

236-28-010	Purpose and authority.
236-28-020	Notice required by agency establishing small works roster.
236-28-030	Contractors application form—Information required.
236-28-040	Contractors to be categorized general or specialty—Categories of special contractors enumerated.
236-28-050	Contractors categorized by size of projects—Categories enumerated.
236-28-060	Minority or women's business enterprise—Defined.
236-28-070	Denial or removal of contractors from small works roster—Reasons.
236-28-080	Denial or removal from roster—Notice and hearing.

NEW SECTION

WAC 236-28-010 PURPOSE AND AUTHORITY. This chapter of the Washington administrative code is adopted pursuant to chapter 98, laws of 1982, which requires the director of the department of general administration to adopt by rule a procedure to prequalify contractors for inclusion on a small works roster established by the state agencies enumerated in section 2, chapter 98, laws of 1982. The procedures set forth in this chapter shall be utilized by those agencies in establishing a small works roster.

NEW SECTION

WAC 236-28-020 NOTICE REQUIRED BY AGENCY ESTABLISHING SMALL WORKS ROSTER. Agencies desiring to establish an initial small works roster shall give notice to the contracting community encouraging contractors to submit applications for inclusion on the small works roster. Such notice may be given by advertisements in publications widely circulated to the contracting community, by notices mailed directly to trade associations or to individual contractors, or by any effort reasonably calculated to assure that all contractors in the state of Washington become aware of the opportunity to be included on the small works roster.

NEW SECTION

WAC 236-28-030 CONTRACTORS APPLICATION FORM—INFORMATION REQUIRED. Contractors desiring to be included on a small works roster established by a state agency pursuant to chapter 98, laws of 1982, shall submit a completed application form on a form prescribed by the director, department of general administration. Copies of the form may be obtained from the division of engineering and architecture and will contain the following information:

(a) Name of contracting firm, including designation as corporation, partnership, sole proprietorship, or otherwise;
(b) Address of contracting firm;
(c) Telephone number of contracting firm;
(d) State contractor's license number;
(e) Indication of type of construction firm by categories enumerated in WAC 236-28-040;
(f) Indication of the dollar value of projects for which the applicant contractor desires to be considered by categories enumerated in WAC 236-28-050;
(g) An indication of those counties in which the contractor is interested in being considered for projects;
(h) Indication whether contractor qualifies as a minority or women's business enterprise as defined in WAC 236-28-060.

Upon receipt of the application, the agency shall enter the information set forth therein into its small works roster, and send a copy of the information which is entered to the applicant contractor. Contractors should not consider themselves to be enrolled in a small works roster until they have received this verification.

It is the responsibility of the contractor to notify the agency of any incorrect information set forth on the notice of verification, and to notify the agency of any change in the information set forth in its application as such changes may occur from time to time.

NEW SECTION

WAC 236-28-040 CONTRACTORS TO BE CATEGORIZED GENERAL OR SPECIALTY—CATEGORIES OF SPECIAL CONTRACTORS ENUMERATED. Contractors desiring to be enrolled on a small works roster will be categorized according to one or more of the following specialty areas:

Acoustical	
Burglar alarm and fire alarm	Lighting
Bridge building	Masonry
Cabinet	Mechanical
Carpenters	Movers, building
Ceilings	Painting and decorating
Cement	Pile driving
Dock and marine	Plastering
Drilling and boring	Plumbing
Drywall, taping, texturing	Reinforcing steel
Electrical	Road building
Erection	Roofing and roofing systems
Excavation	Septic
Flooring, carpets and vinyls	Sewer
Foundation	Siding
Glass	Sign
Heating, air conditioning and ventilation	Steel erectors
	Tile
Insulation and weatherization	Utility
Iron work	Waterproofing
Irrigation	Water system and well drilling
Kitchen	
Landscape	Wrecking

Contractors on a small works roster will be considered only for those projects within their indicated area of specialty.

NEW SECTION

WAC 236-28-050 CONTRACTORS CATEGORIZED BY SIZE OF PROJECTS—CATEGORIES ENUMERATED. Contractors desiring to be enrolled on a small works roster shall be categorized as to which one or more of the following categories of projects (by estimated dollar amounts) they wish to be considered for:
(a) Under $5,000
(b) $5,000 to under $10,000
(c) $10,000 to under $15,000
(d) $15,000 to under $20,000
(e) $20,000 to $25,000

NEW SECTION

WAC 236-28-060 MINORITY OR WOMEN'S BUSINESS ENTERPRISE—DEFINED. The following rules shall be utilized in determining whether a contractor is a minority or women's business enterprise. For this purpose, the following definitions shall apply:

(1) "Minority"—Blacks, Asians, Hispanics, and Native American/American Indian or Alaska Native.

(2) "Asians"—A person with origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Phillippine Republic, and Samoa.

(3) "Black"—A person with origins in any of the Black racial groups of Africa who is also not of Hispanic origin.

(4) "Hispanic"—A person of Mexican, Puerto Rican, Cuban, South American or other Spanish culture or origin, regardless of race.

(5) "Native American/American Indian or Alaskan Native"—A person with origins in any of the original peoples of North America and who maintains culture identification through tribal affiliations or community recognition.

(6) "Minority business enterprise (MBE)"—A business which is owned and controlled by one or more minority persons. For purposes of this definition, the non-minority owner or owners of the minority business enterprise may not be the owner or operator, in whole or in part, of a business engaged in the same or similar type of business activity as the minority business enterprises.

(7) "Women's business enterprise (WBE)"—A business which is owned and controlled by one or more women residing in the United States or its territories. For purposes of this definition, the male owner or owners in a women's business enterprise may not be the owner or operator, in whole or in part, of a business engaged in the same or similar type of business activity as the women's business enterprise.

(8) "Owned and controlled"—For purposes of determining whether a business is a minority business enterprise, women's business enterprise or combination women's and minority business enterprise, the minorities, women, or combination of both, as the context requires, shall possess:

(a) Ownership of greater than fifty percent of the business; and

(b) Control over management, interest in capital, and interest in profit or loss commensurate with the percentage of ownership on which the claim status is based; and

(c) A real and continuing interest in the business.

(9) In order to be considered a minority or women's business enterprise, a contractor must either be:

(a) Listed on one of the following MWBE lists:

(i) Department of Commerce and Economic Development, State of Washington (maintained by the Department of General Administration);

(ii) United States Environmental Protection Agency;

(iii) Department of Transportation, State of Washington;

(iv) King County—City of Seattle Human Rights Department; or

(b) As otherwise determined by the Department of General Administration.

NEW SECTION

WAC 236-28-070 DENIAL OR REMOVAL OF CONTRACTORS FROM SMALL WORKS ROSTER—REASONS. A contractor may be denied placement on or, after such placement, may be removed from, a small works roster for any one or more of the following reasons:

(a) The information set forth in the contractor's application is not accurate;

(b) The contractor fails to notify the agency maintaining the small works roster of any changes in the information set forth in its original application for placement on the small works roster;

(c) The contractor has failed to respond to five solicitations for bids on jobs offered through the small works roster;

(d) The contractor's past performance demonstrates a lack of qualification in any specialty area indicated by the contractor in the application for placement on the small works roster;

(e) The contractor fails to complete and return to the agency maintaining the small works roster any periodic update submitted by the agency to determine the contractor's ongoing interest in maintaining its placement on the small works roster.

NEW SECTION

WAC 236-28-080 DENIAL OR REMOVAL FROM ROSTER—NOTICE AND HEARING. Whenever the agency maintaining a small works roster believes that grounds exist for denying an application for placement on a small works roster, or removing the name of a contractor from a small works roster, notice of said grounds shall be given to the contractor by first-class mail. If the contractor fails to object or request a hearing within twenty days after the mailing of said notice, then the denial or removal shall be made effective. If the contractor requests a hearing within twenty days after the mailing of the notice, then a hearing will be conducted in accordance with chapter 34.04 RCW.

WSR 82-22-095
PROPOSED RULES
DEPARTMENT OF FISHERIES
[Filed November 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Fisheries intends to adopt, amend, or repeal rules concerning personal use rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 7, 1982.

The authority under which these rules are proposed is RCW 75.08.080.

The specific statute these rules are intended to implement is RCW 75.25.010.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 7, 1982.

Dated: November 3, 1982
By: Rolland A. Schmitten
Director

STATEMENT OF PURPOSE

Title: WAC 220-56-360.

Description of Purpose: Closes recreational razor clam harvest.

Summary of Rule: Closes Razor Clam Areas 1, 2, and 3 to personal use digging.

Reasons Supporting Proposed Rule: Surveys show inadequate numbers of razor clams large enough to allow harvest without wastage.

Agency Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, Washington 754-2429; Implementation: Ronald E. Westley, 115 General Administration Building, Olympia, Washington, 753-6772; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, Washington, 753-6585.

These rules are proposed by the Washington Department of Fisheries.

Comments: No public hearing will be held, written testimony will be taken.

These rule proposals are not the result of federal law or court order.

Small Business Economic Impact Statement: No effect, these rule proposals effect sport clam digging only.

AMENDATORY SECTION (Amending Order 82-19, filed 4/17/82)

WAC 220-56-360 RAZOR CLAMS—AREAS AND SEASONS. It is unlawful to take, dig for or possess razor clams taken for personal use from any beaches in Razor Clam Areas 1, 2, and 3.((: ~~PROVIDED, That:~~

~~(1) From January 1 through March 15, it is lawful to dig 24 hours per day.~~

~~(2) From March 16 through June 30, it is unlawful to dig except from 12 midnight to 12 noon daily.~~

~~(3) It is unlawful to dig during the months of July, August, and September.~~

~~(4) From October 1 through December 31, it is lawful to dig 24 hours per day.~~))

WSR 82-22-096
PROPOSED RULES
DEPARTMENT OF FISHERIES
[Filed November 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Fisheries intends to adopt, amend, or repeal rules concerning commercial fishing rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 7, 1982.

The authority under which these rules are proposed is RCW 75.08.080.

The specific statute these rules are intended to implement is RCW 75.28.270 - 75.28.275.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 7, 1982.

Dated: November 3, 1982
By: Rolland A. Schmitten
Director

STATEMENT OF PURPOSE

Title: WAC 220-52-040 and 220-52-046.

Description of Purpose: Clarifies size requirement and seasonal restriction applicability to Dungeness crab; establishes permit requirement for commercial red rock crab harvest.

Summary of Rule: WAC 220-52-040, makes female Dungeness crab and male Dungeness crab less than 6 1/4 inch in size unlawful to possess for commercial purposes; and WAC 220-52-046, establishes seasonal restriction for Dungeness crab fishery and establishes permit requirement for red rock crab fishery.

Reasons Supporting Proposed Action: WAC 220-52-040, the established crab fishery in legislative findings following RCW 75.28.270 is a Dungeness crab fishery, and clarification of this point is necessary; and WAC 220-52-046, the seasonal restrictions are applicable to Dungeness crabs from a biological standpoint to protect molting crabs; the potential for a commercial red rock crab fishery is unknown, and monitoring of the catch through the permit system will allow assessment of the impact of commercial harvest and provide the basis for seasonal and size restrictions, if applicable.

Agency Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, Washington 754-2429; Implementation: Ronald E. Westley, 115 General Administration Building, Olympia, Washington, 753-6772; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, Washington, 753-6585.

These rules are proposed by the Washington Department of Fisheries.

Comments: No public hearing will be held; written testimony only.

These rule proposals are not the result of federal law or court order.

Small Business Economic Impact Statement: No effect on small businesses is anticipated. There is no change in the reporting requirements and permits are issued free of charge.

AMENDATORY SECTION (Amending Order 80-123, filed 9/17/80)

WAC 220-52-040 CRAB FISHERY—LAWFUL AND UNLAWFUL. (1) It ((~~shall be~~)) is unlawful for any vessel geared or equipped with commercial net fishing gear to have aboard any quantity of crab while fishing with said gear or having commercially caught food fish or other species of shellfish aboard.

(2) Unless otherwise provided, it ((~~shall be~~)) is unlawful to set, maintain, or operate any baited or unbaited shellfish pots or ring nets for taking crabs, for commercial purposes, in any area at any time when it is unlawful to take or fish for crabs for commercial purposes therein.

(3) It ((~~shall be~~)) is unlawful to have in the water any baited or unbaited shellfish pots or ring nets for taking crabs for commercial purposes, in any area at any time when it is unlawful to take or fish for crabs for commercial purposes therein: PROVIDED, That following the close of a commercial crab season, permission may be granted by the director on a case-by-case basis for fishermen to recover shellfish pots that have become irretrievable due to extreme weather conditions. Fishermen must apply to fisheries patrol for such permission within twenty-four hours of the close of season.

(4) It ((~~shall be~~)) is unlawful for any person to take, or possess for commercial purposes female Dungeness crabs, or male Dungeness crabs measuring less ((~~then~~)) than 6-1/4 inches, caliper measurement, across the back immediately in front of the tips.

(5) It ((~~shall be~~)) is unlawful for any person to take or fish for crabs for commercial purposes in the Puget Sound licensing district with more than 100 shellfish pots or ring nets in the aggregate, and it shall be unlawful for any group of persons using the same vessel to take or fish for crabs for commercial purposes in Puget Sound with more than 100 shellfish pots or ring nets in the aggregate, provided it shall be unlawful for any person, or group of persons using the same vessel, to take or fish for crabs for commercial purposes with more than 20 shellfish pots or ring nets in the aggregate within the waters of Dungeness Bay lying west of a line projected from the new Dungeness Light southward to the outermost end of the abandoned dock at the Three Crabs Restaurant on the southern shore of Dungeness Bay.

AMENDATORY SECTION (Amending Order 80-123, filed 9/17/80)

WAC 220-52-046 CRAB FISHERY—SEASONS AND AREAS. (1) It ((~~shall be~~)) is unlawful to take, fish for, land or possess Dungeness crabs for commercial purposes except during the lawful open seasons and areas as follows:

((~~(1)~~)) (a) All Puget Sound Marine Fish-Shellfish Areas except 27A, 27B, and 27C, open October 1 through April 15, provided that it shall be unlawful to set any crab gear prior to 9:00 a.m. on the opening day of the season.

((~~(2)~~)) (b) Coastal, Pacific Ocean, Grays Harbor, Willapa Harbor and Columbia River waters - open December 1 through September 15.

(2) It is unlawful for any person to take or possess for commercial purposes red rock crabs in the Puget Sound licensing district without having first obtained a license, endorsement, and permit to fish for red rock crabs for commercial purposes authorized by the director of the department of fisheries. The permit must accompany the fisherman at all times while fishing for red rock crabs for commercial purposes and must be made available for inspection by any authorized representative of the department of fisheries.

WSR 82-22-097
PROPOSED RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed November 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning:

Amd WAC 388-24-107 Eligibility condition applicable to AFDC—Registration for WIN/Employment and training.

Amd ch. 388-57 WAC Employment and training—Work incentive.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director
Division of Administration
Department of Social and Health Services
Mailstop OB 33-C
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by November 23, 1982. The meeting site is in a location which is barrier free;

that the agency will at 10:00 a.m., Tuesday, December 7, 1982, in the Building and Grounds Conference Room, Service Level, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 15, 1982.

The authority under which these rules are proposed is RCW 74.22.110 and 74.23.120.

The specific statute these rules are intended to implement is chapters 74.22 and 74.23 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 7, 1982.

Dated: November 3, 1982
By: David A. Hogan
Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-57-064(6), 388-57-095(i)(e), 388-57-095(2)(3), 388-57-097(7) and 388-24-107(i)(f).

Purpose of the Rule or Rule Change: To provide more specific language re: conciliation; delete reference to Voluntary AP program; and clarify references to sanction periods in CWEP and IAES.

The Reason These Rules are Necessary: To bring WAC rules in adherence with CFR and 1115 waiver authorization amendment.

Statutory Authority: RCW 74.22.110 and 74.23.120.

Summary of the Rule or Rule Change: Provides WIN conciliation not to exceed 30 days; voluntary participation terminates and is replaced with mandatory program; and clarify sanction periods in CWEP and IAES programs.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Ken Anderson and Lee Burnett, CSPM II, Division of Income Assistance, Manpower Section, Phone: (Scan) 234-4920/234-3312, Mailstop: OB 31C.

These rules are not necessary as a result of federal law, federal court decision, or state court decision.

AMENDATORY SECTION (Amending Order 1779, filed 3/11/82)

WAC 388-24-107 ELIGIBILITY CONDITIONS APPLICABLE TO AFDC—REGISTRATION FOR WIN/EMPLOYMENT AND TRAINING. (1) As a condition of eligibility for AFDC, every individual shall register for the WIN or employment and training (E&T) program or the intensive applicant employment services project and participate for the maximum of thirty days unless such individual is:

(a) Under age sixteen or age sixteen but not yet nineteen and is enrolled as, or has been accepted for enrollment as, a full-time student for the next school term, in a secondary school, or the equivalent level of vocational or technical training, and reasonably expected to complete such course during the month he or she reaches nineteen((;));

(b) A person who is ill, incapacitated, or sixty-five years of age or older. Cost of a physical or psychiatric examination is authorized when the examination is to determine employability for registration or participation in the WIN/E&T program((;)).

(i) Temporary illness or incapacity provides WIN/E&T exemption only for the period of a documented condition of unemployability. Exemption terminates when the condition ceases.

(ii) Persons determined to be exempt from registration on the basis of permanent incapacity shall be referred for services under the vocational rehabilitation program.

(c) A person residing outside a WIN/E&T area or at a location so remote from a WIN/E&T project that his or her effective participation is precluded((;));

(d) A person whose presence in the home is required because of illness or incapacity of another member of the household((;));

(e) A parent or other needy caretaker relative of a child under the age of six who is personally providing care for the child, with only brief and infrequent absences from the child((;)); or

((~~(f) For those applicants only in areas subject to the intensive applicant employment services work demonstration project where applicants are required to participate unless exempted, exemption is allowed only to a parent or other needy caretaker relative caring for a child under the age of three. This requirement shall cease when participation is completed to the extent required but not to exceed thirty days from the date of application,~~))

((~~(g)~~)) (f) ((~~Persons~~)) A person employed at least thirty hours per week.

(2) For those applicants only in areas subject to the intensive applicant employment services work demonstration project where applicants are required to participate unless exempted, exemption is allowed only to a parent or other needy caretaker relative caring for a child under the age of three. This requirement shall cease when participation is completed to the extent required but not to exceed thirty days from the date of application, except for those applicants/recipients residing in an area subject to the job search requirement of eight weeks.

((~~(2)~~)) (3) Any applicant or recipient has a right to a fair hearing to contest a determination of nonexempt status and shall be considered as exempt until his or her status is finally determined. (See WAC 388-57-090((~~(1)~~)).)

((~~(3)~~)) (4) The requirements of any individual failing to register as required under subsection (1) of this section shall not be taken into account in determining the requirements of the assistance unit and the amount of assistance, and assistance will be granted to the eligible members of the assistance unit.

((~~(4)~~)) (5) An exempt parent caretaker of a child shall be advised of his or her option to register if he or she so desires, and of the fact child care will be provided if needed. Other exempted individuals may volunteer to register, subject to acceptance of such registration by DES.

((~~(5)~~)) (6) When an AFDC recipient classified as exempt from WIN/E&T registration reports any change affecting the exempt status, he or she shall be registered within thirty days after the report. If a change is not reported, exempt or nonexempt status will be determined at the next review unless the department becomes aware an AFDC recipient's exempt status has changed. Then the recipient shall be notified he or she shall be registered within thirty days.

((~~(6)~~)) (7) The department's financial service unit shall determine which AFDC applicants or recipients are exempt from registration and which are required to register as a condition of eligibility.

AMENDATORY SECTION (Amending Order 1762, filed 2/4/82)

WAC 388-57-064 REFUSAL OF TRAINING OR EMPLOYMENT OR REDUCTION OF EARNINGS UNDER WIN WITHOUT GOOD CAUSE— DEREGISTRATION SANCTION AND REACCEPTANCE TO WIN. (1) A mandatory WIN registrant who has been found to have failed or refused without good cause to participate or has terminated employment, or has refused to accept employment or has reduced earnings shall be sanctioned as follows:

(a) For the first occurrence, the individual shall be deregistered and have his or her needs removed from the grant for three ((~~payment-months~~)) payment months beginning the first day of the month in which the sanctioned individual's needs are removed;

(b) For the second and subsequent occurrences, the individual shall be deregistered and have his or her needs removed from the grant for six ((~~payment-months~~)) payment months beginning the first day of the month in which the sanctioned individual's needs are removed.

(2) A voluntary registrant who has failed or refused to participate without good cause shall be sanctioned by deregistration from WIN without removing the individual's needs from the grant as follows:

(a) For the first occurrence, the individual shall be deregistered for three ((~~payment-months~~)) payment months beginning the first day of the month such action can be taken;

(b) For the second and subsequent occurrences, the individual shall be deregistered for six ((~~payment-months~~)) payment months beginning the first day of the month such action can be taken.

(3) Implementation of this sanction is not governed by effective date rules in chapter 388-33 WAC.

(4) Assistance unit payments shall be determined in accordance with WAC 388-57-061.

(5) When a defacto failure or refusal to participate in WIN or termination of employment or refusal to accept employment or reduction in earnings is verified, an appointment for a face-to-face interview with WIN staff shall be made to determine if good cause exists for such act or pattern of behavior. The appointment notice shall explain the reasons for the appointment and the consequences of failure to keep the appointment.

(6) ((~~The WIN staff shall exhaust efforts toward conciliatory resolution of disputes between the WIN staff and the registrant before issuing a notice of intended deregistration~~)) Conciliation efforts to resolve disputes between the WIN staff and the registrant shall begin as soon as possible, but no later than ten days following the date of refusal or failure to participate pursuant to WAC 388-57-064(1).

(a) The period of conciliation may continue for a period of time not to exceed thirty days.

(b) Either the WIN staff or the registrant, upon written notice, may terminate the period sooner when either believes the dispute cannot be resolved by conciliation.

(c) Within two working days after termination of the conciliation period without resolution of the matter, the WIN staff shall issue a "notice of intended deregistration" to the registrant.

(7) The following conditions when verified shall constitute good cause for refusal of an offer of employment or refusal to continue employment:

(a) Physical, mental or emotional inability of the individual to satisfactorily perform the work required;

(b) Inability of the individual to get to and from the job without undue cost or hardship to him or her;

(c) The nature of the work would be hazardous to the individual;

(d) The wages do not meet any applicable minimum wage requirements and are not customary for such work in the community;

(e) The job is available because of labor dispute; or

(f) Adequate child care is not available to the single parent AFDC household.

AMENDATORY SECTION (Amending Order 1779, filed 3/11/82)

WAC 388-57-095 INTENSIVE APPLICANT EMPLOYMENT SERVICES—DEPARTMENTAL AUTHORITY. The intensive applicant employment services demonstration project is authorized under specific approval of the secretary of the Department of Health and Human Services through Section 1115, Social Security Act, Grant Number 11-P-98083-10-01 and 11-P-98083-10-02.

(1) This project has the following objectives:

(a) To assist applicants for aid to families with dependent children (AFDC) to secure unsubsidized employment prior to authorization of the assistance grant;

(b) To provide certain applicants with preschool children age three years or over applying for AFDC and having previously been excluded from employment programs to participate in such programs;

(c) To provide AFDC applicants with sufficient social and financial supports during the application period to enable the applicants to conduct intensive job search;

(d) To determine the extent AFDC applicants will secure employment if required to participate in a job search program not to exceed thirty days compared to applicants/recipients required to participate in a job search program extending beyond the application period to a maximum of eight weeks;

((~~(e) To determine the extent AFDC applicants will secure employment through voluntary participation in a job search program;~~

~~(f)~~)) (e) To determine the extent young applicants with small children can be assisted to become self-supporting as compared to applicants with school-age children.

(2) Applicants for AFDC residing in an area subject to the intensive applicant employment services demonstration project shall participate in this project to engage in job search unless exempted under the following conditions:

((~~(a) Application is made in offices where project participation is voluntary, or there is no project;~~

~~(b)~~)) (a) A child under age sixteen or attending school full time;

((~~(c)~~)) (b) A person is ill, incapacitated, or sixty-five years of age or over;

((~~(d)~~)) (c) A person is so remote from a CSO that his or her effective participation is precluded;

((~~(e)~~)) (d) A person whose presence in the home is required because of illness or incapacity;

((~~(f)~~)) (e) Applicants with children under age three years;

((~~(g)~~)) (f) Persons working in unsubsidized employment at least thirty hours per week; and

((~~(h)~~)) (g) Undue hardship exists and the client is not eligible for CEAP.

(3) If an applicant fails or refuses without good cause to participate in the intensive applicant employment services demonstration project, his or her needs shall not be taken into account in determining the family's need for assistance and grant amount. Good cause provisions are listed in WAC 388-57-064(7). This sanction shall be consistent with the WIN sanction ((~~process~~)) period in WAC 388-57-064. An applicant adversely affected shall have the opportunity for administrative review.

AMENDATORY SECTION (Amending Order 1807, filed 5/10/82)

WAC 388-57-097 COMMUNITY WORK EXPERIENCE PROGRAM (CWEP). The community work experience program (CWEP) is authorized under the approval of the secretary of the department of social and health services as an optional state program authorized by the 1981 Omnibus Reconciliation Act.

(1) The pilot program has the following objectives:

(a) To provide work experience to recipients of AFDC unable to secure employment through other employment programs; and

(b) To determine the extent work experience will assist individuals participating in the program to secure unsubsidized employment.

(2) CWEP sites shall be located in the Spokane and Tacoma areas.

(3) Any AFDC recipient living in either the Spokane area or the Tacoma area shall, as a condition of eligibility for AFDC, participate in CWEP unless the individual:

(a) Is participating in WIN/E&T; or

(b) Meets the WIN exemption criteria of WAC 388-24-107; or

(c) Is both currently (or becomes) employed at least eighty hours per month and earning not less than the legally established minimum wage for such employment. Persons employed at least eighty hours per month at jobs not having an established minimum wage shall be exempted regardless of wage level; or

(d) Is denied an AFDC grant for any month solely because the amount of the entitlement is less than ten dollars per month.

(4) The department shall:

(a) Provide coordination between CWEP and the WIN program:

(i) To ensure that job placement will have priority over participation in CWEP; and

(ii) To ensure that aid may not be denied on the grounds of failure to participate in either WIN or CWEP if participants are actively and satisfactorily participating in the other program((;)).

((~~(iii)~~)) (b) Provide that CWEP work hour requirements may be met hour for hour by documented job search activity which has received prior approval by the CWEP service worker.

((~~(b)~~)) (c) Require appropriate standards of health, safety, and other conditions applicable to the performance of work;

((~~(c)~~)) (d) Ensure reasonable conditions of work, taking into account the geographic region, the residence of the participants, and the proficiency of the participants;

((~~(d)~~)) (e) Ensure that participants do not perform tasks in any way related to political, electoral or partisan activities or which would result in displacement of persons currently employed or fill established unfilled position vacancies;

((~~(e)~~)) (f) Ensure that tasks have not been developed in response to or in any way associated with, the existence of a strike, lockout or other bona fide labor dispute or violate any existing labor agreement between employees and employers;

((~~(f)~~)) (g) Reimburse necessary transportation costs;

((~~(g)~~)) (h) Pay customary departmental scale costs of child care needed in order to participate in CWEP;

((~~(h)~~)) (i) Not require the use of the participant's assistance or income or resources to pay participation costs;

((~~(i)~~)) (j) Provide that assignments to CWEP projects will be made taking into consideration to the extent possible, the prior training, proficiency, experience, and skills of a participant;

((~~(j)~~)) (k) Provide that assignment to CWEP projects shall not require participants to travel unreasonable distances from home or to remain away from home overnight without consent; and

((~~(k)~~)) (l) Provide worker's compensation coverage for participants through the department of labor and industries.

(5) CWEP participants shall be referred to and shall participate in work experience slots designed to serve a useful public purpose in public agencies or private nonprofit organizations as agreed on by the agency and the department.

(6) The hours of CWEP participation required of any assistance unit, regardless of the number of participants in that unit, shall be no more than the number calculated by dividing the amount of the household's assistance grant by the greater of the federal or state minimum wage, not to exceed one hundred twenty-eight hours during a calendar month. The AFDC payment shall not be construed as compensation for work performed.

(7) If a recipient fails or refuses without good cause to participate in the community work experience program, his or her needs shall not be taken into account in determining the family's need for assistance and grant amount. This sanction shall be consistent with the WIN sanction ((~~process~~)) period in WAC 388-57-064. A recipient adversely affected shall have the opportunity for administrative review and/or fair hearing as provided by RCW 74.08.070 and chapter 388-08 WAC. Good cause provisions are included in WAC 388-57-064. WAC 388-57-064(7)(d) shall not apply to CWEP participation.

WSR 82-22-098
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed November 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning filled dairy products, chapter 16-129 WAC;

that the agency will at 1:00 p.m., Friday, December 10, 1982, in the Large Conference Room, 1st Floor, General Administration Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 14, 1982.

The authority under which these rules are proposed is chapter 69.04 and 15.38 RCW.

The specific statute these rules are intended to implement is chapter 15.38 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 10, 1982.

Dated: November 3, 1982
By: M. Keith Ellis
Director

STATEMENT OF PURPOSE

Name of Agency: Department of Agriculture.

Purpose: The purpose of the amendments to chapter 16-129 WAC is to add filled dairy products to the definitions of nondairy food products as defined by RCW 15.38.020.

Summary: The amendments add the definition of "filled dairy products" to the definition section of WAC 16-129-020, and describe the conditions when a product is deemed not to be a filled dairy product. These conditions include the requirements for labeling with nutritional content and a statement on the label that the product is an imitation product.

Reason for Proposed Rule: Rule is proposed to clarify the status of a filled dairy product.

Responsible Department Personnel for Drafting, Implementation and Enforcement: Jim Wommack, Assistant Director, Department of Agriculture, 406 General Administration Building, AX-41, Olympia, Washington 98504.

These rules are not necessary as a result of federal law, federal court decision, or state court decision.

Proponents or Opponents: Unknown.

There is no small business economic impact.

AMENDATORY SECTION (Amending Order No. 1101, filed 10/18/68)

WAC 16-129-010 DECLARATION OF PURPOSE. (1) The director finds that because of the advent in the market place of food products which are nondairy food products, and filled dairy products, (a) which closely resemble, and which are made in semblance of genuine dairy products, and (b) which are manufactured in a manner so as to possess in a substantial degree the physical characteristics of genuine dairy products, and (c) which are frequently mistaken both physically and organoleptically for genuine dairy products, and (d) which are held out and sold or marketed as being usable for the same or similar purposes as genuine dairy products, and (e) which are most frequently packaged in the same types, sizes and shapes of glass, paper and plastic containers which historically consumers have associated with the marketing of genuine dairy products, and the labeling, appearance characteristics and other marketing techniques of said packages or containers used for such food products are frequently misleading to consumers in that they are confused and led to believe that they are buying genuine milk products; and the director further finds that as a result of the foregoing conditions and circumstances there is insufficient distinction in the names and other labeling of the said products described above and genuine dairy products; that it is necessary in order to prevent confusion among consumers and for the protection of the public health to promulgate regulations establishing definitions and standards of labeling and advertising for said products.

(2) It is the finding of the director that RCW 69.04.190 provides that rules may be adopted for the purpose of promoting honesty and

fair dealings in the interest of consumers in the following areas: standards for identity of the product, standards of quality, and standards of fill, and no authority is set for the adoption of regulations as to where the product may be physically located at point of sale.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order No. 1101, filed 10/18/68)

WAC 16-129-020 DEFINITIONS. (1) "Products resembling genuine dairy products" means any food product for human consumption other than genuine dairy products, as set forth and defined in subsection (((3)) (4) of this regulation, and which has the appearance, taste, smell, texture and color of genuine dairy products and which taken as a whole bears a resemblance to, or is in semblance of, any genuine dairy products: PROVIDED, ((~~HOWEVER,~~)) That the term "products resembling genuine dairy products" shall not include oleomargarine.

(2) The term "nondairy" means and refers to any product resembling a dairy product as defined in subsection (1) of this regulation and which contains no dairy products or components of dairy products.

(3) "Filled dairy products" means those products which are defined as filled dairy products by RCW 15.38.020.

(((~~3~~))) (4) "Genuine dairy products" means those certain milk products as defined by ((~~RCW 15.36.010~~)) RCW 15.36.011, and dairy products as defined by RCW 15.32.010 and RCW 15.32.051, or regulations adopted thereunder.

(((~~4~~))) (5) Other terms used in this regulation shall have the definition or definitions as set forth in 69.04 RCW.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 16-129-025 WHEN PRODUCTS DEEMED NOT TO BE FILLED DAIRY PRODUCTS. A "filled dairy product" as defined by RCW 15.38.020 does not include a product that meets the following conditions:

(1) The product bears a statement on the main display panel of the package or container stating that the food product is an imitation product in letters not less than one-half the size of the product name, but in no case may the letters be smaller than 18. type size; and

(2) The label on the product clearly states the major difference in ingredients and nutritional value (vitamins, minerals and calories) between the imitation product and the dairy product it is made to resemble.

AMENDATORY SECTION (Amending Order No. 1101, filed 10/18/68)

WAC 16-129-030 PRODUCTS RESEMBLING DAIRY PRODUCTS——WHEN DEEMED TO BE MISBRANDED, FALSELY LABELED OR FALSELY ADVERTISED. (1) Any product resembling a genuine dairy product shall be deemed to be misbranded and to have a misleading label when its package or immediate container or dispenser bears a statement, or legend using dairy terms or words or designs commonly associated with dairying or genuine dairy products, except to the extent that such words or terms are necessary to meet legal requirements for labeling: PROVIDED, That the term "nondairy" may be used as an informative statement.

(2) Any advertisement or display concerning a product resembling a dairy product shall be deemed to be false and misleading if by its content such advertisement or display makes use of any dairy terms, or words or designs commonly associated with dairying or genuine dairy products, except that any such word may be included in the seller's or manufacturer's registered name under which he regularly does business: PROVIDED, That this does not include any name registered as a subterfuge to include a dairy term: PROVIDED FURTHER, That the term "nondairy" may be used as an informative statement.

(3) No representation or suggestion that any product resembling a genuine dairy product is approved or sanctioned by the federal food and drug administration, the Washington state department of agriculture, or any other governmental entity, shall be made in any labeling or advertisement.

(4) Any label concerning a product resembling a dairy product shall clearly set forth a list of ingredients of which such product consists; in the event that such product contains vegetable fat or oil, such label shall set forth and name the specific kind of vegetable fat or oil. If only one oil is used, it shall be specifically named in the ingredient statement. If a blend of variety of oils is used, the ingredient statement shall contain the term "vegetable oil" in the appropriate place in the ingredient statement, with a qualifying phrase following the ingredient statement, such as "vegetable oils are soybean, cottonseed and coconut oils", or "vegetable oil may be cottonseed, coconut or soybean oil".

REPEALER

The following sections of the Washington Administrative Code are each hereby repealed:

WAC 16-129-001 PROMULGATION
WAC 16-129-040 EFFECTIVE DATE

WSR 82-22-099
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed November 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning description of agency organization and access to public records, chapter 16-06 WAC;

that the agency will at 10:00 a.m., Monday, December 13, 1982, in the 3rd Floor Conference Room, General Administration Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 20, 1982.

The authority under which these rules are proposed is chapters 34.04 and 43.17 RCW.

The specific statute these rules are intended to implement is RCW 42.17.250 - 42.17.340.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 13, 1982.

Dated: November 3, 1982
By: M. Keith Ellis
Director

STATEMENT OF PURPOSE

Name of Agency: Department of Agriculture.

Purpose: The purpose of chapter 16-06 WAC is to comply with RCW 34.04.020(2) and 42.17.250-42.17-.320 requiring each agency to adopt as a rule a description of its organization, stating the general course and method of its operations and methods whereby the public may obtain information and make submissions or requests and inspect and copy public records.

Summary: Chapter 16-06 WAC describes the agency organization, method of its operations, and methods whereby the public may communicate with the agency and have access to agency public records.

Reason for Proposed Rule: Chapter 16-06 WAC is proposed to comply with statutory requirements.

Responsible Departmental Personnel for Drafting, Implementation and Enforcement: Michael Schwisow, Deputy Director, Department of Agriculture, 406 General Administration Building, AX-41, Olympia, Washington 98504.

These rules are not necessary as a result of federal law, federal court decision, or state court decision.

There is no small business economic impact.

Proponents or Opponents: Unknown.

PUBLIC RECORDS

WAC 16-06-010 Purpose
WAC 16-06-020 Definitions
WAC 16-06-030 Description of organization
WAC 16-06-040 Operations and procedures
WAC 16-06-050 Public records designees
WAC 16-06-060 Availability of public records
WAC 16-06-070 Requests for public records
WAC 16-06-080 Fees
WAC 16-06-090 Protection of public records
WAC 16-06-100 Exemptions
WAC 16-06-110 Denial of request
WAC 16-06-120 Review of denials of requests for inspection or copying of public records
WAC 16-06-130 Public records index
WAC 16-06-140 Public records request form

NEW SECTION

WAC 16-06-010 PURPOSE. The department of agriculture is a department of state government created by RCW 43.17.020. It shall hereafter in this chapter be referred to as the "department." Where appropriate, department also refers to its staff and employees. The department promulgates this chapter to ensure compliance with the provisions of chapter 42.17 RCW, and in particular with sections of that act dealing with public records.

NEW SECTION

WAC 16-06-020 DEFINITIONS. (1) "Public records" means any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

NEW SECTION

WAC 16-06-030 DESCRIPTION OF ORGANIZATION. The administrative offices of the department are located in the General Administration Building, Olympia, Washington. The department is organized into six divisions: (1) the division of agricultural development, (2) the division of plant industry, (3) the division of animal industry, (4) the division of dairy and food, (5) the division of grain and agricultural chemicals, and (6) the division of regulatory services. The department maintains service locations or major field offices in eleven cities. Each of these offices is headed by a supervisor or chief.

NEW SECTION

WAC 16-06-040 OPERATIONS AND PROCEDURES. The general course and method of channeling and determining the operations of each major division of the department and the nature of requirements for all formal and informal procedures connected therewith are summarized in the following subsection, each of which is the immediate responsibility of an assistant director who is designated as the superviosr of that division.

(1) Agricultural development. The director of agriculture, through the division of agricultural development, shall exercise all of the powers and perform all the duties relating to the development of markets, state and federal cooperative marketing programs, land utilization for agricultural purposes, water resources, transportation, and farm labor, as such matters relate to the production, distribution and sale of agricultural commodities.

(2) Plant industry. The director of agriculture, through the division of plant industry, shall exercise all the powers and perform all the duties prescribed by law relating to horticulture, and horticultural products. He shall enforce and supervise the administration of all laws relating to horticulture, horticultural products, and horticultural interests.

(3) Animal industry. The director of agriculture, through the division of animal industry, shall exercise all the powers and perform all duties prescribed by law relating to diseases among domestic animals and the quarantine and destruction of diseased animals. He shall enforce and supervise the administration of all laws relating to meat inspection, the prevention, detection, control and eradication of diseases of domestic animals, and all other matters relative to the diseases of livestock and their effect upon the public health.

(4) Dairy and food. The director of agriculture, through the division of dairy and food, shall exercise all powers and perform all duties prescribed by law with respect to the inspection of foods, food products, drinks, milk and milk products, and dairies and dairy products and the components thereof. He shall enforce and supervise the administration of all laws relating to foods, food products, drinks, milk and milk products, dairy and dairy products, and their inspection , manufacture, and sale.

(5) Grain and agricultural chemicals. The director of agriculture, through the division of grain and agricultural chemicals, shall exercise all powers and perform all duties prescribed by law with respect to grains, grain and hay products, grain and terminal warehouses in relation thereto, commercial feeds, commercial fertilizers, and chemical pesticides. He shall enforce and supervise the administration of all laws relating to grains, grain and hay products, grain and terminal warehouses in relation thereto, commercial feeds, commercial fertilizers, and chemical pesticides.

(6) Regulatory services. The director of agriculture, through the division of regulatory services shall exercise all the powers and perform all the duties prescribed by law relating to commission merchants, livestock identification, livestock brand registration and inspection. He shall enforce and supervise the administration of all laws relating to commission merchants, livestock identification and shall have the power to enforce all laws relating to any division under the supervision of the director of agriculture.

Reviser's note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 16-06-050 PUBLIC RECORDS DESIGNEES. The assistant director of each division shall be in charge of the public records for that division.

NEW SECTION

WAC 16-06-060 AVAILABILITY OF PUBLIC RECORDS. (1) All public records of the department, as defined in WAC 16-06-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.260, RCW 42.17.310, RCW 42.17.330, WAC 16-06-100, and WAC 16-06-110.

(2) Public records of the department maintained in the administrative offices will be available for inspection and copying during the customary office hours of the department. For the purposes of this chapter, the customary office hours are 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays. Specific records not available in the administrative offices will be made available pursuant to the procedures described in WAC 16-06-070.

NEW SECTION

WAC 16-06-070 REQUESTS FOR PUBLIC RECORDS. In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be obtained by members of the public at the administrative offices of the department upon compliance with the following procedures:

(1) All requests shall be made in writing. A form prescribed by the department shall be available at the administrative offices. The written

request or prescribed form shall be submitted or presented to the assistant director of the appropriate division at the administrative offices of the department during customary office hours. The request shall include the following information:

(a) The name and address of the person requesting the record.

(b) The time of day and calendar date on which the request was received at the administrative offices of the department.

(c) The nature of the request.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records designee to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

(3) When it appears that a request for a record is made by or on behalf of a party to a lawsuit or a controversy to which the department is also a party, or when such a request is made by or on behalf of an attorney for such a party, the request shall be referred for appropriate response to the assistant attorney general assigned to the department.

(4) If the record is not maintained in the administrative offices of the department, the public records designee, after approving the request, will retrieve the record and advise the person making the request by telephone or mail of the time and place the record will be available, which time will be as reasonably soon after the request is made as possible.

NEW SECTION

WAC 16-06-080 FEES. (1) No fee shall be charged for the inspection of public records.

(2) The department shall impose a reasonable charge for providing copies of public records and for the use of agency equipment to copy records by any person: PROVIDED, That such charges shall not exceed the amount necessary to reimburse the department for its actual costs incident to such copying.

NEW SECTION

WAC 16-06-090 PROTECTION OF PUBLIC RECORDS. In order to adequately protect the public records of the department, the following rules have been adopted:

(1) No public records shall be removed from the department's premises.

(2) Inspection of any public record shall be conducted in the presence of a designated department employee.

(3) No public records may be marked or altered in any manner during inspection.

(4) Public records that are maintained in a file or jacket, or chronological order, may not be dismantled except by a designated department employee for purposes of copying.

(5) Upon request of a member of the public to examine an entire file or group of documents, as distinguished from a request to examine certain individual documents, the department shall be allowed a reasonable time to inspect the file to determine whether information protected from disclosure by RCW 42.17.310 is contained therein. The department shall promptly notify the party making the request that a preliminary inspection is being undertaken, and the department shall not be deemed in violation of its obligation otherwise to reply promptly to requests for public documents by reason of causing such an inspection to be performed.

(6) The department shall not give, sell or provide access to lists of individuals requested for commercial purposes, and the department shall not do so unless specifically authorized or directed to by law: PROVIDED, That lists of applicants for professional licenses and of professional licenses shall be made available to those professional associations or educational organizations recognized by their professional licensing or examination board, upon payment of a reasonable charge therefor: PROVIDED FURTHER, That such recognition may be refused only for a good cause pursuant to a hearing under the provisions of chapter 34.04 RCW.

NEW SECTION

WAC 16-06-100 EXEMPTIONS. (1) The department reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 16-06-070 is exempt under the provisions of chapter 42.17 RCW and other applicable laws.

(2) In addition, pursuant to chapter 42.17 RCW, the department reserves the right to delete identifying details when it makes available or publishes any public record, in any case when there is a reason to believe that disclosure of such details would be an invasion of personal privacy or vital governmental interests. In each case, the justification shall be explained in writing.

(3) The department reserves the right provided by RCW 42.17.330 to move the various superior courts to enjoin the examination of any specific public record when it believes such examination would substantially and irreparably damage any person, or would substantially and irreparably damage vital governmental functions.

NEW SECTION

WAC 16-06-110 DENIAL OF REQUEST. The department reserves the right to refuse, in whole or in part, as provided by RCW 42.17.310, a written request for inspection of any public record. Each denial of a request for a public record shall include a written statement by the public records designee of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION

WAC 16-06-120 REVIEW OF DENIAL OF REQUEST FOR INSPECTION OR COPYING OF PUBLIC RECORDS. (1) Any person who objects to the denial of a written request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement that constituted or accompanied the denial by the public records designee.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records designee denying the request shall refer it to the director. The petition shall be reviewed promptly by the director and the action of the public records designee approved or disapproved.

NEW SECTION

WAC 16-06-130 RECORDS INDEX. The department finds that it would be unduly burdensome and would interfere with agency operations currently to develop an index of records as specified in RCW 42.17.260(2), because of the complexity and diversity of its operations and the resulting volume of correspondence, reports, surveys, staff studies, and other materials. The department will make available for public inspection and copying all indexes which may at a future time be developed for agency use.

NEW SECTION

WAC 16-06-140 PUBLIC RECORDS REQUEST FORM. The department hereby adopts a form entitled "Request for Public Record" for use by all persons requesting inspection and/or copying of department public records. The form may be secured from the administrative offices of the department.

KEY TO TABLE

Symbols:

AMD = Amendment of existing section
NEW = New section not previously codified
REP = Repeal of existing section
AM/DE = Amendment and Decodification of existing section
RECOD = Recodification of previously codified section
REMOV = Removal of rule pursuant to RCW 34.04.050(5)
RES = Restoration of section to previous form
REVIEW = Review of previously adopted rule

Suffixes:

-P = Proposed action
-C = Continuance of previous proposal
-E = Emergency action
-W = Withdrawal of proposed action
No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

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16-316-370	AMD-P	82-04-082
16-316-370	AMD	82-08-033
16-316-620	AMD-P	82-04-082
16-316-620	AMD	82-08-033
16-316-727	NEW-P	82-05-013
16-316-727	NEW	82-08-034
16-316-790	AMD-P	82-04-082
16-316-790	AMD	82-08-033
16-316-800	AMD-P	82-04-082
16-316-800	AMD	82-08-033
16-316-810	AMD-P	82-04-082
16-316-810	AMD	82-08-033
16-316-815	NEW-P	82-04-082
16-316-815	NEW	82-08-033
16-316-820	AMD-P	82-04-082
16-316-820	AMD	82-08-033
16-316-830	AMD-P	82-04-082
16-316-830	AMD	82-08-033
16-400-150	AMD-E	82-09-006
16-461-010	AMD-E	82-09-007
16-528-040	AMD-C	82-10-004
16-528-040	AMD-C	82-10-065
16-528-040	AMD	82-11-002
16-536-010	AMD-P	82-05-050
16-536-010	AMD	82-15-020
16-536-020	AMD-P	82-05-050
16-536-020	AMD	82-15-020
16-536-040	AMD-P	82-05-050
16-536-040	AMD	82-15-020
16-620-210	AMD	82-04-001
16-620-255	REP	82-04-001
16-620-280	AMD	82-04-001
16-620-290	AMD	82-04-001
16-620-300	AMD	82-04-001
16-620-310	REP	82-04-001
16-620-340	AMD	82-04-001
16-620-360	REP	82-04-001
16-750-010	AMD-P	82-03-037
16-750-010	AMD	82-06-045
24-12-010	AMD-P	82-13-051
24-12-010	AMD-W	82-13-075
24-12-010	AMD-P	82-13-076
24-12-010	AMD-W	82-14-078
24-12-010	AMD-P	82-14-079
24-12-010	AMD-P	82-18-017
24-12-010	AMD	82-20-073
24-12-010	AMD-E	82-20-074
24-12-011	NEW-P	82-13-083
24-12-011	NEW-C	82-14-080
24-12-011	NEW-E	82-15-033
24-12-011	NEW	82-17-036
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34-02-010	NEW-C	82-15-043
34-02-010	NEW	82-20-015
34-02-020	NEW-P	82-10-051
34-02-020	NEW-C	82-15-043
34-02-020	NEW	82-20-015
34-02-030	NEW-P	82-10-051
34-02-030	NEW-C	82-15-043
34-02-030	NEW	82-20-015
34-02-040	NEW-P	82-10-051
34-02-040	NEW-C	82-15-043
34-02-040	NEW	82-20-015
34-04-010	NEW-P	82-10-051
34-04-010	NEW-C	82-15-043
34-04-010	NEW	82-20-015
34-04-020	NEW-P	82-10-051
34-04-020	NEW-C	82-15-043
34-04-020	NEW	82-20-015
34-04-030	NEW-P	82-10-051
34-04-030	NEW-C	82-15-043
34-04-030	NEW	82-20-015
34-04-040	NEW-P	82-10-051
34-04-040	NEW-C	82-15-043
34-04-040	NEW	82-20-015
34-04-050	NEW-P	82-10-051
34-04-050	NEW-C	82-15-043

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34-04-070	NEW-P	82-10-051
34-04-070	NEW-C	82-15-043
34-04-070	NEW	82-20-015
34-04-080	NEW-P	82-10-051
34-04-080	NEW-C	82-15-043
34-04-080	NEW	82-20-015
34-04-090	NEW-P	82-10-051
34-04-090	NEW-C	82-15-043
34-04-090	NEW	82-20-015
34-04-100	NEW-P	82-10-051
34-04-100	NEW-C	82-15-043
34-04-100	NEW	82-20-015
34-04-110	NEW-P	82-10-051
34-04-110	NEW-C	82-15-043
34-04-110	NEW	82-20-015
34-04-120	NEW-P	82-10-051
34-04-120	NEW-C	82-15-043
34-04-120	NEW	82-20-015
48-20-010	NEW-P	82-11-096
48-20-010	NEW	82-14-023
48-20-020	NEW-P	82-11-096
48-20-020	NEW	82-14-023
48-20-030	NEW-P	82-11-096
48-20-030	NEW	82-14-023
48-20-040	NEW-P	82-11-096
48-20-040	NEW	82-14-023
48-20-050	NEW-P	82-11-096
48-20-050	NEW	82-14-023
48-20-060	NEW-P	82-11-096
48-20-060	NEW	82-14-023
48-20-070	NEW-P	82-11-096
48-20-070	NEW	82-14-023
48-20-080	NEW-P	82-11-096
48-20-080	NEW	82-14-023
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50-16-095	AMD-P	82-21-071
50-16-990	REP-P	82-21-071
50-20-050	AMD-P	82-21-071
50-20-055	NEW-P	82-21-071
50-24-030	AMD-P	82-21-072
50-24-040	AMD-P	82-21-072
50-24-090	AMD-P	82-21-072
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50-40-020	AMD-P	82-21-072
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50-40-030	REP-P	82-21-072
50-40-040	AMD-E	82-21-006
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50-40-050	NEW-P	82-21-072
50-40-060	NEW-E	82-21-006
50-40-060	NEW-P	82-21-072
50-40-070	NEW-E	82-21-006
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50-44-020	AMD-P	82-21-072
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67-14-010	NEW	82-16-095
67-14-020	NEW-P	82-13-101
67-14-020	NEW	82-16-095
67-14-030	NEW-P	82-13-101
67-14-030	NEW	82-16-095
67-14-040	NEW-P	82-13-101
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67-14-070	NEW-P	82-13-101
67-14-070	NEW	82-16-095
67-14-080	NEW-P	82-13-101
67-14-080	NEW	82-16-095
67-14-090	NEW-P	82-13-101
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67-14-110	NEW-P	82-13-101
67-14-110	NEW	82-16-095
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67-14-150	NEW	82-16-095
67-14-160	NEW-P	82-13-101
67-14-160	NEW	82-16-095
67-14-170	NEW-P	82-13-101
67-14-170	NEW	82-16-095
67-14-180	NEW-P	82-13-101
67-14-180	NEW	82-16-095
67-15-010	RECOD-P	82-13-108
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67-20-010	NEW	82-16-096
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67-20-015	NEW	82-16-096
67-20-020	NEW-P	82-13-108
67-20-020	NEW	82-16-096
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67-20-030	NEW-P	82-13-108
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67-20-080	NEW	82-16-096
67-20-085	NEW-P	82-13-108
67-20-085	NEW	82-16-096
67-20-090	NEW-P	82-13-108
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67-20-095	NEW-P	82-13-108
67-20-095	NEW	82-16-096
67-20-100	NEW-P	82-13-108
67-20-100	NEW	82-16-096
67-20-105	NEW-P	82-13-108
67-20-105	NEW	82-16-096
67-20-110	NEW-P	82-13-108
67-20-110	NEW	82-16-096
67-20-120	NEW-P	82-13-108
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67-20-180	NEW-E	82-10-026
67-20-180	NEW-P	82-13-108
67-20-180	NEW	82-16-096
67-20-185	NEW-E	82-10-026
67-20-185	NEW-P	82-13-108
67-20-185	NEW	82-16-096
67-20-190	NEW-E	82-10-026
67-20-190	NEW-P	82-13-108
67-20-190	NEW	82-16-096
67-20-190	AMD-P	82-22-065
67-20-200	NEW-E	82-10-026
67-20-200	NEW-P	82-13-108
67-20-200	NEW	82-16-096
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67-20-255	NEW	82-16-096
67-20-260	NEW-P	82-13-108
67-20-260	NEW	82-16-096
67-20-270	NEW-P	82-13-108
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67-20-275	NEW	82-16-096
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67-20-281	NEW-P	82-13-108
67-20-281	NEW	82-16-096
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67-20-300	NEW	82-16-096
67-20-325	NEW-P	82-13-108
67-20-325	NEW	82-16-096
67-20-326	RECOD-P	82-13-108
67-20-326	RECOD	82-16-096
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67-20-350	NEW	82-16-096
67-20-380	RECOD-P	82-13-108
67-20-380	RECOD	82-16-096
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67-20-384	RECOD	82-16-096
67-20-385	NEW-E	82-10-026
67-20-385	NEW-P	82-13-108
67-20-385	NEW	82-16-096
67-20-388	RECOD-P	82-13-108
67-20-388	RECOD	82-16-096
67-20-390	NEW-P	82-13-108
67-20-390	NEW	82-16-096
67-20-392	NEW-P	82-13-108
67-20-392	NEW	82-16-096
67-20-394	NEW-P	82-13-108
67-20-394	NEW	82-16-096
67-20-395	NEW-E	82-10-026
67-20-395	NEW-P	82-13-108
67-20-395	NEW	82-16-096
67-20-396	NEW-P	82-13-108
67-20-396	NEW	82-16-096
67-20-396	AMD-P	82-22-065
67-20-400	NEW-P	82-13-108
67-20-400	NEW	82-16-096
67-20-404	RECOD-P	82-13-108
67-20-404	RECOD	82-16-096
67-20-408	RECOD-P	82-13-108
67-20-408	RECOD	82-16-096
67-20-412	RECOD-P	82-13-108
67-20-412	RECOD	82-16-096
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67-20-420	RECOD	82-16-096
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67-20-428	RECOD	82-16-096
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67-20-432	NEW	82-16-096
67-20-440	RECOD-P	82-13-108
67-20-440	RECOD	82-16-096
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67-20-444	NEW	82-16-096
67-20-446	NEW-P	82-13-108
67-20-446	NEW	82-16-096
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67-20-510	NEW	82-16-096
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67-20-525	NEW	82-16-096
67-20-530	NEW-P	82-13-108
67-20-530	NEW	82-16-096
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67-20-540	NEW	82-16-096
67-20-545	NEW-P	82-13-108
67-20-545	NEW	82-16-096
67-20-550	NEW-P	82-13-108
67-20-550	NEW	82-16-096
67-20-550	AMD-P	82-22-065
67-20-560	NEW-P	82-13-108
67-20-560	NEW	82-16-096
67-20-570	NEW-P	82-13-108
67-20-570	NEW	82-16-096
67-20-590	NEW-P	82-13-108
67-20-590	NEW	82-16-096
67-30-005	NEW	82-06-022
67-30-005	REP-P	82-13-108
67-30-005	REP	82-16-096
67-30-010	NEW-P	82-06-039
67-30-040	NEW-C	82-04-053
67-30-050	NEW-P	82-06-039
67-30-050	NEW	82-10-025
67-30-050	AM/DE-P	82-13-108
67-30-050	AM/DE	82-16-096
67-30-060	NEW-P	82-06-039
67-30-070	NEW-P	82-06-039
67-30-070	NEW	82-10-025
67-30-070	AM/DE-P	82-13-108
67-30-070	AM/DE	82-16-096
67-30-080	NEW	82-06-022
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67-30-080	AM/DE	82-16-096
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67-30-100	AM/DE-P	82-13-108
67-30-100	AM/DE	82-16-096
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67-30-125	AM/DE-P	82-13-108
67-30-125	AM/DE	82-16-096
67-30-130	NEW-P	82-06-039
67-30-130	NEW	82-10-025
67-30-130	AM/DE-P	82-13-108
67-30-130	AM/DE	82-16-096
67-30-150	NEW	82-06-022
67-30-150	AM/DE-P	82-13-108
67-30-150	AM/DE	82-16-096
67-30-170	NEW-P	82-06-039
67-30-170	NEW	82-10-025
67-30-170	AM/DE-P	82-13-108
67-30-170	AM/DE	82-16-096
67-30-180	NEW	82-06-022
67-30-180	AM/DE-P	82-13-108
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67-30-185	AM/DE-P	82-13-108
67-30-185	AM/DE	82-16-096
67-30-210	NEW-P	82-06-039
67-30-210	NEW	82-10-025
67-30-210	AM/DE-P	82-13-108
67-30-210	AM/DE	82-16-096
67-30-310	NEW	82-06-022
67-30-310	REP-P	82-13-108
67-30-310	REP	82-16-096
67-30-320	NEW	82-06-022
67-30-320	REP-P	82-13-108
67-30-320	REP	82-16-096
67-32-310	AMD-P	82-22-066
67-40-010	NEW-P	82-13-098
67-40-010	NEW	82-16-097
67-40-010	AMD-E	82-19-071
67-40-010	AMD-P	82-22-067
67-40-015	NEW-P	82-13-098
67-40-015	NEW	82-16-097
67-40-015	AMD-E	82-19-071
67-40-015	AMD-P	82-22-067
67-40-016	NEW-P	82-13-098
67-40-016	NEW	82-16-097
67-40-016	AMD-E	82-19-071
67-40-016	AMD-P	82-22-067
67-40-020	NEW-P	82-13-098
67-40-020	NEW	82-16-097
67-40-020	REP-E	82-19-071
67-40-020	REP-P	82-22-067
67-40-021	NEW-E	82-19-071
67-40-021	NEW-P	82-22-067
67-40-025	NEW-P	82-13-098
67-40-025	NEW	82-16-097
67-40-025	REP-E	82-19-071
67-40-025	REP-P	82-22-067
67-40-050	NEW-P	82-13-098
67-40-050	NEW	82-16-097
67-40-050	REP-E	82-19-071
67-40-050	REP-P	82-22-067
67-40-060	NEW-P	82-13-098
67-40-060	NEW	82-16-097
67-40-060	REP-E	82-19-071
67-40-060	REP-P	82-22-067
67-40-070	NEW-P	82-13-098
67-40-070	NEW	82-16-097
67-40-070	REP-E	82-19-071
67-40-070	REP-P	82-22-067
67-40-090	NEW-P	82-13-098
67-40-090	NEW	82-16-097
67-40-440	NEW-E	82-10-026
67-40-440	NEW-P	82-13-098
67-40-440	NEW	82-16-097
67-40-440	REP-E	82-19-071
67-40-440	REP-P	82-22-067
67-50-010	NEW-P	82-13-103
67-50-010	NEW	82-16-098
67-50-020	NEW-P	82-13-103
67-50-020	NEW	82-16-098
67-50-030	NEW-P	82-13-103
67-50-030	NEW	82-16-098
67-50-035	NEW-P	82-13-103
67-50-035	NEW	82-16-098
67-50-040	NEW-P	82-13-103
67-50-040	NEW	82-16-098
67-50-050	NEW-P	82-13-103
67-50-050	NEW	82-16-098
67-50-060	NEW-P	82-13-103
67-50-060	NEW	82-16-098
82-10-010	NEW-P	82-17-043
82-10-010	NEW	82-20-028
82-10-020	NEW-P	82-17-043
82-10-020	NEW	82-20-028
82-10-030	NEW-P	82-17-043
82-10-030	NEW	82-20-028
82-20-010	NEW-P	82-02-074
82-20-010	NEW	82-05-030
82-20-020	NEW-P	82-02-074
82-20-020	NEW	82-05-030
82-20-030	NEW-P	82-02-074
82-20-030	NEW	82-05-030
82-20-040	NEW-P	82-02-074
82-20-040	NEW	82-05-030
82-20-050	NEW-P	82-02-074
82-20-050	NEW	82-05-030
82-20-060	NEW-P	82-02-074
82-20-060	NEW	82-05-030
82-20-070	NEW-P	82-02-074
82-20-070	NEW	82-05-030
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82-50-010	NEW-P	82-18-051
82-50-010	NEW	82-21-003
82-50-020	NEW-E	82-18-049
82-50-020	NEW-P	82-18-051
82-50-020	NEW	82-21-003
82-50-030	NEW-E	82-18-049
82-50-030	NEW-P	82-18-051
82-50-030	NEW	82-21-003
82-50-040	NEW-E	82-18-049
82-50-040	NEW-P	82-18-051
82-50-040	NEW	82-21-003
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132S-12-080	REP	82-21-012
132S-12-090	REP-P	82-16-016
132S-12-090	REP	82-21-012
132S-12-100	REP-P	82-16-016
132S-12-100	REP	82-21-012
132S-12-110	REP-P	82-16-016
132S-12-110	REP	82-21-012
132S-12-120	REP-P	82-16-016
132S-12-120	REP	82-21-012
132S-12-130	REP-P	82-16-016
132S-12-130	REP	82-21-012
132S-12-140	REP-P	82-16-016
132S-12-140	REP	82-21-012
132S-12-150	REP-P	82-16-016
132S-12-150	REP	82-21-012
132S-12-160	REP-P	82-16-016
132S-12-160	REP	82-21-012
132S-12-170	REP-P	82-16-016
132S-12-170	REP	82-21-012
132S-12-180	REP-P	82-16-016
132S-12-180	REP	82-21-012
132S-12-190	REP-P	82-16-016
132S-12-190	REP	82-21-012
132S-12-200	REP-P	82-16-016
132S-12-200	REP	82-21-012
132S-12-210	REP-P	82-16-016
132S-12-210	REP	82-21-012
132S-12-220	REP-P	82-16-016
132S-12-220	REP	82-21-012
132S-14-010	REP-P	82-16-016
132S-14-010	REP	82-21-012
132S-14-020	REP-P	82-16-016
132S-14-020	REP	82-21-012
132S-16-010	REP-P	82-16-016
132S-16-010	REP	82-21-012
132S-16-020	REP-P	82-16-016
132S-16-020	REP	82-21-012

Table of WAC Sections Affected

WAC #		WSR #
132S-16-030	REP-P	82-16-016
132S-16-030	REP	82-21-012
132S-16-050	REP-P	82-16-016
132S-16-050	REP	82-21-012
132S-16-052	REP-P	82-16-016
132S-16-052	REP	82-21-012
132S-16-060	REP-P	82-16-016
132S-16-060	REP	82-21-012
132S-16-070	REP-P	82-16-016
132S-16-070	REP	82-21-012
132S-16-081	REP-P	82-16-016
132S-16-081	REP	82-21-012
132S-16-082	REP-P	82-16-016
132S-16-082	REP	82-21-012
132S-16-083	REP-P	82-16-016
132S-16-083	REP	82-21-012
132S-16-0831	REP-P	82-16-016
132S-16-0831	REP	82-21-012
132S-16-084	REP-P	82-16-016
132S-16-084	REP	82-21-012
132S-16-090	REP-P	82-16-016
132S-16-090	REP	82-21-012
132S-16-100	REP-P	82-16-016
132S-16-100	REP	82-21-012
132S-16-110	REP-P	82-16-016
132S-16-110	REP	82-21-012
132S-16-120	REP-P	82-16-016
132S-16-120	REP	82-21-012
132S-16-130	REP-P	82-16-016
132S-16-130	REP	82-21-012
132S-16-131	REP-P	82-16-016
132S-16-131	REP	82-21-012
132S-16-132	REP-P	82-16-016
132S-16-132	REP	82-21-012
132S-16-133	REP-P	82-16-016
132S-16-133	REP	82-21-012
132S-16-134	REP-P	82-16-016
132S-16-134	REP	82-21-012
132S-16-135	REP-P	82-16-016
132S-16-135	REP	82-21-012
132S-16-136	REP-P	82-16-016
132S-16-136	REP	82-21-012
132S-16-140	REP-P	82-16-016
132S-16-140	REP	82-21-012
132S-16-150	REP-P	82-16-016
132S-16-150	REP	82-21-012
132S-16-160	REP-P	82-16-016
132S-16-160	REP	82-21-012
132S-16-170	REP-P	82-16-016
132S-16-170	REP	82-21-012
132S-16-180	REP-P	82-16-016
132S-16-180	REP	82-21-012
132S-16-190	REP-P	82-16-016
132S-16-190	REP	82-21-012
132S-16-200	REP-P	82-16-016
132S-16-200	REP	82-21-012
132S-16-210	REP-P	82-16-016
132S-16-210	REP	82-21-012
132S-16-220	REP-P	82-16-016
132S-16-220	REP	82-21-012
132S-16-230	REP-P	82-16-016
132S-16-230	REP	82-21-012
132S-16-240	REP-P	82-16-016
132S-16-240	REP	82-21-012
132S-16-250	REP-P	82-16-016
132S-16-250	REP	82-21-012
132S-16-260	REP-P	82-16-016
132S-16-260	REP	82-21-012
132S-16-270	REP-P	82-16-016
132S-16-270	REP	82-21-012
132S-16-280	REP-P	82-16-016
132S-16-280	REP	82-21-012
132S-16-290	REP-P	82-16-016
132S-16-290	REP	82-21-012
132S-16-300	REP-P	82-16-016
132S-16-300	REP	82-21-012
132S-16-310	REP-P	82-16-016
132S-16-310	REP	82-21-012
132S-16-320	REP-P	82-16-016
132S-16-320	REP	82-21-012
132S-16-330	REP-P	82-16-016
132S-16-330	REP	82-21-012
132S-16-340	REP-P	82-16-016
132S-16-340	REP	82-21-012
132S-16-350	REP-P	82-16-016
132S-16-350	REP	82-21-012
132S-16-360	REP-P	82-16-016
132S-16-360	REP	82-21-012
132S-16-370	REP-P	82-16-016
132S-16-370	REP	82-21-012
132S-16-380	REP-P	82-16-016
132S-16-380	REP	82-21-012
132S-16-390	REP-P	82-16-016
132S-16-390	REP	82-21-012
132S-16-400	REP-P	82-16-016
132S-16-400	REP	82-21-012
132S-16-410	REP-P	82-16-016
132S-16-410	REP	82-21-012
132S-16-420	REP-P	82-16-016
132S-16-420	REP	82-21-012
132S-16-430	REP-P	82-16-016
132S-16-430	REP	82-21-012
132S-16-440	REP-P	82-16-016
132S-16-440	REP	82-21-012
132S-16-445	REP-P	82-16-016
132S-16-445	REP	82-21-012
132S-16-450	REP-P	82-16-016
132S-16-450	REP	82-21-012
132S-16-455	REP-P	82-16-016
132S-16-455	REP	82-21-012
132S-16-460	REP-P	82-16-016
132S-16-460	REP	82-21-012
132S-16-470	REP-P	82-16-016
132S-16-470	REP	82-21-012
132S-16-480	REP-P	82-16-016
132S-16-480	REP	82-21-012
132S-16-490	REP-P	82-16-016
132S-16-490	REP	82-21-012
132S-16-500	REP-P	82-16-016
132S-16-500	REP	82-21-012
132S-16-510	REP-P	82-16-016
132S-16-510	REP	82-21-012
132S-16-520	REP-P	82-16-016
132S-16-520	REP	82-21-012
132S-16-530	REP-P	82-16-016
132S-16-530	REP	82-21-012
132S-16-540	REP-P	82-16-016
132S-16-540	REP	82-21-012
132S-16-550	REP-P	82-16-016
132S-16-550	REP	82-21-012
132S-16-560	REP-P	82-16-016
132S-16-560	REP	82-21-012
132S-16-570	REP-P	82-16-016
132S-16-570	REP	82-21-012
132S-16-580	REP-P	82-16-016
132S-16-580	REP	82-21-012
132S-16-590	REP-P	82-16-016
132S-16-590	REP	82-21-012
132S-16-600	REP-P	82-16-016
132S-16-600	REP	82-21-012
132S-16-610	REP-P	82-16-016
132S-16-610	REP	82-21-012
132S-17-010	REP-P	82-16-016
132S-17-010	REP	82-21-012
132S-17-015	REP-P	82-16-016
132S-17-015	REP	82-21-012
132S-17-020	REP-P	82-16-016
132S-17-020	REP	82-21-012
132S-17-025	REP-P	82-16-016
132S-17-025	REP	82-21-012
132S-17-030	REP-P	82-16-016
132S-17-030	REP	82-21-012
132S-17-035	REP-P	82-16-016
132S-17-035	REP	82-21-012
132S-17-040	REP-P	82-16-016
132S-17-040	REP	82-21-012
132S-17-045	REP-P	82-16-016
132S-17-045	REP	82-21-012
132S-17-050	REP-P	82-16-016
132S-17-050	REP	82-21-012
132S-17-055	REP-P	82-16-016
132S-17-055	REP	82-21-012
132S-17-060	REP-P	82-16-016
132S-17-060	REP	82-21-012
132S-17-065	REP-P	82-16-016
132S-17-065	REP	82-21-012
132S-17-070	REP-P	82-16-016
132S-17-070	REP	82-21-012
132S-18-010	REP-P	82-16-016
132S-18-010	REP	82-21-012
132S-18-020	REP-P	82-16-016
132S-18-020	REP	82-21-012
132S-18-030	REP-P	82-16-016
132S-18-030	REP	82-21-012
132S-19-500	REP-P	82-16-016
132S-19-500	REP	82-21-012
132S-20-005	REP-P	82-16-016
132S-20-005	REP	82-21-012
132S-20-010	REP-P	82-16-016
132S-20-010	REP	82-21-012
132S-20-015	NEW-P	82-16-016
132S-20-015	NEW	82-21-012
132S-20-020	NEW-P	82-16-016
132S-20-020	NEW	82-21-012
132S-20-030	NEW-P	82-16-016
132S-20-030	NEW	82-21-012
132S-20-040	NEW-P	82-16-016
132S-20-040	NEW	82-21-012
132S-20-050	NEW-P	82-16-016
132S-20-050	NEW	82-21-012
132S-20-060	NEW-P	82-16-016
132S-20-060	NEW	82-21-012
132S-20-070	NEW-P	82-16-016
132S-20-070	NEW	82-21-012
132S-20-080	NEW-P	82-16-016
132S-20-080	NEW	82-21-012
132S-20-090	NEW-P	82-16-016
132S-20-090	NEW	82-21-012
132S-20-100	NEW-P	82-16-016
132S-20-100	NEW	82-21-012
132S-20-110	NEW-P	82-16-016
132S-20-110	NEW	82-21-012
132S-20-120	NEW-P	82-16-016
132S-20-120	NEW	82-21-012
132S-20-130	NEW-P	82-16-016
132S-20-130	NEW	82-21-012
132S-20-140	NEW-P	82-16-016
132S-20-140	NEW	82-21-012
132S-20-150	NEW-P	82-16-016
132S-20-150	NEW	82-21-012
132S-20-160	NEW-P	82-16-016
132S-20-160	NEW	82-21-012
132S-20-170	NEW-P	82-16-016
132S-20-170	NEW	82-21-012
132S-20-180	NEW-P	82-16-016
132S-20-180	NEW	82-21-012
132S-20-190	NEW-P	82-16-016
132S-20-190	NEW	82-21-012
132S-20-200	NEW-P	82-16-016
132S-20-200	NEW	82-21-012
132S-20-210	NEW-P	82-16-016
132S-20-210	NEW	82-21-012
132S-20-220	NEW-P	82-16-016
132S-20-220	NEW	82-21-012
132S-20-230	NEW-P	82-16-016
132S-20-230	NEW	82-21-012
132S-20-240	NEW-P	82-16-016
132S-20-240	NEW	82-21-012
132S-20-250	NEW-P	82-16-016
132S-20-250	NEW	82-21-012
132S-20-260	NEW-P	82-16-016

WAC #		WSR #
132S-20-260	NEW	82-21-012
132S-20-270	NEW-P	82-16-016
132S-20-270	NEW	82-21-012
132S-20-280	NEW-P	82-16-016
132S-20-280	NEW	82-21-012
132S-20-290	NEW-P	82-16-016
132S-20-290	NEW	82-21-012
132S-20-300	NEW-P	82-16-016
132S-20-300	NEW	82-21-012
132S-20-310	NEW-P	82-16-016
132S-20-310	NEW	82-21-012
132S-20-320	NEW-P	82-16-016
132S-20-320	NEW	82-21-012
132S-25-010	REP-P	82-16-016
132S-25-010	REP	82-21-012
132S-25-015	REP-P	82-16-016
132S-25-015	REP	82-21-012
132S-25-020	REP-P	82-16-016
132S-25-020	REP	82-21-012
132S-25-025	REP-P	82-16-016
132S-25-025	REP	82-21-012
132S-25-030	REP-P	82-16-016
132S-25-030	REP	82-21-012
132S-27-010	REP-P	82-16-016
132S-27-010	REP	82-21-012
132S-27-020	REP-P	82-16-016
132S-27-020	REP	82-21-012
132S-29-010	REP-P	82-16-016
132S-29-010	REP	82-21-012
132S-29-020	REP-P	82-16-016
132S-29-020	REP	82-21-012
132S-29-030	REP-P	82-16-016
132S-29-030	REP	82-21-012
132S-30-010	NEW-P	82-16-016
132S-30-010	NEW	82-21-012
132S-30-011	NEW-P	82-16-016
132S-30-011	NEW	82-21-012
132S-30-012	NEW-P	82-16-016
132S-30-012	NEW	82-21-012
132S-30-013	NEW-P	82-16-016
132S-30-013	NEW	82-21-012
132S-30-014	NEW-P	82-16-016
132S-30-014	NEW	82-21-012
132S-30-015	NEW-P	82-16-016
132S-30-015	NEW	82-21-012
132S-30-016	NEW-P	82-16-016
132S-30-016	NEW	82-21-012
132S-30-020	NEW-P	82-16-016
132S-30-020	NEW	82-21-012
132S-30-022	NEW-P	82-16-016
132S-30-022	NEW	82-21-012
132S-30-024	NEW-P	82-16-016
132S-30-024	NEW	82-21-012
132S-30-026	NEW-P	82-16-016
132S-30-026	NEW	82-21-012
132S-30-028	NEW-P	82-16-016
132S-30-028	NEW	82-21-012
132S-30-030	NEW-P	82-16-016
132S-30-030	NEW	82-21-012
132S-30-032	NEW-P	82-16-016
132S-30-032	NEW	82-21-012
132S-30-034	NEW-P	82-16-016
132S-30-034	NEW	82-21-012
132S-30-036	NEW-P	82-16-016
132S-30-036	NEW	82-21-012
132S-30-038	NEW-P	82-16-016
132S-30-038	NEW	82-21-012
132S-30-040	NEW-P	82-16-016
132S-30-040	NEW	82-21-012
132S-30-042	NEW-P	82-16-016
132S-30-042	NEW	82-21-012
132S-30-044	NEW-P	82-16-016
132S-30-044	NEW	82-21-012
132S-30-046	NEW-P	82-16-016
132S-30-046	NEW	82-21-012
132S-30-048	NEW-P	82-16-016
132S-30-048	NEW	82-21-012
132S-30-050	NEW-P	82-16-016
132S-30-050	NEW	82-21-012
132S-30-052	NEW-P	82-16-016
132S-30-052	NEW	82-21-012
132S-30-054	NEW-P	82-16-016
132S-30-054	NEW	82-21-012
132S-30-056	NEW-P	82-16-016
132S-30-056	NEW	82-21-012
132S-30-058	NEW-P	82-16-016
132S-30-058	NEW	82-21-012
132S-30-060	NEW-P	82-16-016
132S-30-060	NEW	82-21-012
132S-30-062	NEW-P	82-16-016
132S-30-062	NEW	82-21-012
132S-30-064	NEW-P	82-16-016
132S-30-064	NEW	82-21-012
132S-30-066	NEW-P	82-16-016
132S-30-066	NEW	82-21-012
132S-30-068	NEW-P	82-16-016
132S-30-068	NEW	82-21-012
132S-30-070	NEW-P	82-16-016
132S-30-070	NEW	82-21-012
132S-30-072	NEW-P	82-16-016
132S-30-072	NEW	82-21-012
132S-30-074	NEW-P	82-16-016
132S-30-074	NEW	82-21-012
132S-30-076	NEW-P	82-16-016
132S-30-076	NEW	82-21-012
132S-30-078	NEW-P	82-16-016
132S-30-078	NEW	82-21-012
132S-30-080	NEW-P	82-16-016
132S-30-080	NEW	82-21-012
132S-30-082	NEW-P	82-16-016
132S-30-082	NEW	82-21-012
132S-30-084	NEW-P	82-16-016
132S-30-084	NEW	82-21-012
132S-30-086	NEW-P	82-16-016
132S-30-086	NEW	82-21-012
132S-30-088	NEW-P	82-16-016
132S-30-088	NEW	82-21-012
132S-30-090	NEW-P	82-16-016
132S-30-090	NEW	82-21-012
132S-30-092	NEW-P	82-16-016
132S-30-092	NEW	82-21-012
132S-31-010	NEW-P	82-16-016
132S-31-010	NEW	82-21-012
132S-31-011	NEW-P	82-16-016
132S-31-011	NEW	82-21-012
132S-31-012	NEW-P	82-16-016
132S-31-012	NEW	82-21-012
132S-31-013	NEW-P	82-16-016
132S-31-013	NEW	82-21-012
132S-31-014	NEW-P	82-16-016
132S-31-014	NEW	82-21-012
132S-31-015	NEW-P	82-16-016
132S-31-015	NEW	82-21-012
132S-31-016	NEW-P	82-16-016
132S-31-016	NEW	82-21-012
132S-31-017	NEW-P	82-16-016
132S-31-017	NEW	82-21-012
132S-40-005	NEW-P	82-16-016
132S-40-005	NEW	82-21-012
132S-40-010	NEW-P	82-16-016
132S-40-010	NEW	82-21-012
132S-40-015	NEW-P	82-16-016
132S-40-015	NEW	82-21-012
132S-40-020	NEW-P	82-16-016
132S-40-020	NEW	82-21-012
132S-40-025	NEW-P	82-16-016
132S-40-025	NEW	82-21-012
132S-40-030	NEW-P	82-16-016
132S-40-030	NEW	82-21-012
132S-40-035	NEW-P	82-16-016
132S-40-035	NEW	82-21-012
132S-40-040	NEW-P	82-16-016
132S-40-040	NEW	82-21-012
132S-40-045	NEW-P	82-16-016
132S-40-045	NEW	82-21-012
132S-40-046	NEW-P	82-16-016
132S-40-046	NEW	82-21-012
132S-40-050	NEW-P	82-16-016
132S-40-050	NEW	82-21-012
132S-40-055	NEW-P	82-16-016
132S-40-055	NEW	82-21-012
132S-40-060	NEW-P	82-16-016
132S-40-060	NEW	82-21-012
132S-40-065	NEW-P	82-16-016
132S-40-065	NEW	82-21-012
132S-40-070	NEW-P	82-16-016
132S-40-070	NEW	82-21-012
132S-40-075	NEW-P	82-16-016
132S-40-075	NEW	82-21-012
132S-40-080	NEW-P	82-16-016
132S-40-080	NEW	82-21-012
132S-40-085	NEW-P	82-16-016
132S-40-085	NEW	82-21-012
132S-40-090	NEW-P	82-16-016
132S-40-090	NEW	82-21-012
132S-40-095	NEW-P	82-16-016
132S-40-095	NEW	82-21-012
132S-40-100	NEW-P	82-16-016
132S-40-100	NEW	82-21-012
132S-40-105	NEW-P	82-16-016
132S-40-105	NEW	82-21-012
132S-40-110	NEW-P	82-16-016
132S-40-110	NEW	82-21-012
132S-40-115	NEW-P	82-16-016
132S-40-115	NEW	82-21-012
132S-40-125	NEW-P	82-16-016
132S-40-125	NEW	82-21-012
132S-50-010	NEW-P	82-16-016
132S-50-010	NEW	82-21-012
132S-50-020	NEW-P	82-16-016
132S-50-020	NEW	82-21-012
132S-50-024	NEW-P	82-16-016
132S-50-024	NEW	82-21-012
132S-50-025	NEW-P	82-16-016
132S-50-025	NEW	82-21-012
132S-50-026	NEW-P	82-16-016
132S-50-026	NEW	82-21-012
132S-50-027	NEW-P	82-16-016
132S-50-027	NEW	82-21-012
132S-50-030	NEW-P	82-16-016
132S-50-030	NEW	82-21-012
132S-50-040	NEW-P	82-16-016
132S-50-040	NEW	82-21-012
132S-50-050	NEW-P	82-16-016
132S-50-050	NEW	82-21-012
132S-50-055	NEW-P	82-16-016
132S-50-055	NEW	82-21-012
132S-50-060	NEW-P	82-16-016
132S-50-060	NEW	82-21-012
132S-50-065	NEW-P	82-16-016
132S-50-065	NEW	82-21-012
132S-50-070	NEW-P	82-16-016
132S-50-070	NEW	82-21-012
132S-50-075	NEW-P	82-16-016
132S-50-075	NEW	82-21-012
132S-50-080	NEW-P	82-16-016
132S-50-080	NEW	82-21-012
132S-50-085	NEW-P	82-16-016
132S-50-085	NEW	82-21-012
132S-50-090	NEW-P	82-16-016
132S-50-090	NEW	82-21-012
132S-50-095	NEW-P	82-16-016
132S-50-095	NEW	82-21-012
132S-50-100	NEW-P	82-16-016
132S-50-100	NEW	82-21-012
132S-50-110	NEW-P	82-16-016
132S-50-110	NEW	82-21-012
132S-50-115	NEW-P	82-16-016
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132S-50-120	NEW	82-21-012

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132S-50-135	NEW-P	82-16-016
132S-50-135	NEW	82-21-012
132S-50-140	NEW-P	82-16-016
132S-50-140	NEW	82-21-012
132S-50-145	NEW-P	82-16-016
132S-50-145	NEW	82-21-012
132S-50-150	NEW-P	82-16-016
132S-50-150	NEW	82-21-012
132S-50-155	NEW-P	82-16-016
132S-50-155	NEW	82-21-012
132S-50-160	NEW-P	82-16-016
132S-50-160	NEW	82-21-012
132S-50-165	NEW-P	82-16-016
132S-50-165	NEW	82-21-012
132S-50-170	NEW-P	82-16-016
132S-50-170	NEW	82-21-012
132S-50-175	NEW-P	82-16-016
132S-50-175	NEW	82-21-012
132S-50-180	NEW-P	82-16-016
132S-50-180	NEW	82-21-012
132S-50-185	NEW-P	82-16-016
132S-50-185	NEW	82-21-012
132S-50-190	NEW-P	82-16-016
132S-50-190	NEW	82-21-012
132S-50-195	NEW-P	82-16-016
132S-50-195	NEW	82-21-012
132S-50-280	NEW-P	82-16-016
132S-50-280	NEW	82-21-012
132S-52-010	REP-P	82-16-016
132S-52-010	REP	82-21-012
132S-52-020	REP-P	82-16-016
132S-52-020	REP	82-21-012
132S-52-030	REP-P	82-16-016
132S-52-030	REP	82-21-012
132S-52-040	REP-P	82-16-016
132S-52-040	REP	82-21-012
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132S-52-050	REP	82-21-012
132S-52-060	REP-P	82-16-016
132S-52-060	REP	82-21-012
132S-108-010	REP-P	82-16-016
132S-108-010	REP	82-21-012
132S-108-020	REP-P	82-16-016
132S-108-020	REP	82-21-012
132S-108-030	REP-P	82-16-016
132S-108-030	REP	82-21-012
132S-108-040	REP-P	82-16-016
132S-108-040	REP	82-21-012
132S-108-050	REP-P	82-16-016
132S-108-050	REP	82-21-012
132S-108-060	REP-P	82-16-016
132S-108-060	REP	82-21-012
132S-108-070	REP-P	82-16-016
132S-108-070	REP	82-21-012
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132S-108-080	REP	82-21-012
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132S-108-100	REP	82-21-012
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132S-108-120	REP	82-21-012
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132S-108-130	REP	82-21-012
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132S-108-150	REP	82-21-012
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132S-108-160	REP	82-21-012
132S-108-170	REP-P	82-16-016
132S-108-170	REP	82-21-012
132S-108-190	REP-P	82-16-016
132S-108-190	REP	82-21-012
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132S-108-210	REP	82-21-012
132S-108-220	REP-P	82-16-016
132S-108-220	REP	82-21-012
132S-108-230	REP-P	82-16-016
132S-108-230	REP	82-21-012
132S-108-240	REP-P	82-16-016
132S-108-240	REP	82-21-012
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132S-116-120	REP	82-21-012
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132S-116-160	REP	82-21-012
132S-116-170	REP-P	82-16-016
132S-116-170	REP	82-21-012
132S-116-180	REP-P	82-16-016
132S-116-180	REP	82-21-012
132S-116-190	REP-P	82-16-016
132S-116-190	REP	82-21-012
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132S-116-270	REP	82-21-012
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132S-116-280	REP	82-21-012
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132S-124-020	REP	82-21-012
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132S-140-020	REP	82-21-012
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132S-140-030	REP	82-21-012
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132S-140-040	REP	82-21-012
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132S-142-010	REP	82-21-012
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132S-152-015	REP	82-21-012
132S-152-020	REP-P	82-16-016
132S-152-020	REP	82-21-012
132S-152-030	REP-P	82-16-016
132S-152-030	REP	82-21-012
132S-152-040	REP-P	82-16-016
132S-152-040	REP	82-21-012
132S-152-050	REP-P	82-16-016
132S-152-050	REP	82-21-012
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132S-165-020	REP	82-21-012
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132S-168-010	REP	82-21-012
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132S-168-020	REP	82-21-012
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132S-168-120	REP	82-21-012
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132S-170-010	REP	82-21-012
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132S-170-020	REP	82-21-012
132S-170-030	REP-P	82-16-016
132S-170-030	REP	82-21-012
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132S-173-010	REP	82-21-012
132S-173-020	REP-P	82-16-016
132S-173-020	REP	82-21-012
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132S-173-030	REP	82-21-012
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132S-185-010	REP	82-21-012
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132S-185-020	REP	82-21-012
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132S-187-015	REP	82-21-012
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132T-104-121	AMD-P	82-22-017
132T-104-130	AMD-P	82-06-024
132T-104-130	AMD	82-12-056
132T-104-210	AMD-P	82-06-024
132T-104-210	AMD	82-12-056
132T-104-210	AMD-P	82-22-017
132T-104-220	REP-P	82-22-017
132T-104-230	REP-P	82-22-017
132T-104-240	AMD-P	82-06-024
132T-104-240	AMD	82-12-056
132T-104-260	AMD-P	82-06-024
132T-104-260	AMD	82-12-056
132T-104-265	NEW-P	82-06-024
132T-104-265	NEW	82-12-056
132T-104-270	AMD-P	82-06-024
132T-104-270	AMD	82-12-056
132T-104-280	AMD-P	82-06-024
132T-104-280	AMD	82-12-056
132T-128-010	AMD-P	82-20-010
132T-128-030	AMD-P	82-20-010
132T-128-040	AMD-P	82-20-010
132T-128-050	AMD-P	82-20-010
132T-128-080	AMD-P	82-20-010
132T-190-030	AMD-P	82-20-061
132Y-125-004	NEW-P	82-05-039
132Y-125-004	NEW	82-10-013
132Y-136-001	NEW	82-04-018
132Y-136-101	NEW	82-04-018
132Y-136-201	NEW	82-04-018
132Y-136-204	NEW	82-04-018
132Y-136-208	NEW	82-04-018
132Y-136-212	NEW	82-04-018
132Y-136-216	NEW	82-04-018
132Y-136-220	NEW	82-04-018
132Y-136-224	NEW	82-04-018
132Y-136-228	NEW	82-04-018
132Y-136-236	NEW	82-04-018
132Y-136-304	NEW	82-04-018
132Y-136-401	NEW	82-04-018
132Y-136-404	NEW	82-04-018
132Y-136-501	NEW	82-04-018
132Y-136-540	NEW	82-04-018

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WAC #		WSR #
132Y-140	NEW-C	82-20-025
132Y-140-001	NEW-P	82-16-075
132Y-140-001	NEW	82-22-064
132Y-140-101	NEW-P	82-16-075
132Y-140-101	NEW	82-22-064
132Y-140-102	NEW	82-22-064
132Y-140-104	NEW-P	82-16-075
132Y-140-104	NEW	82-22-064
132Y-140-108	NEW-P	82-16-075
132Y-140-108	NEW	82-22-064
132Y-140-112	NEW-P	82-16-075
132Y-140-112	NEW	82-22-064
132Y-140-116	NEW-P	82-16-075
132Y-140-116	NEW	82-22-064
133-10-010	NEW-P	82-22-061
133-10-020	NEW-P	82-22-061
133-10-030	NEW-P	82-22-061
133-20-010	NEW-P	82-22-061
133-20-020	NEW-P	82-22-061
133-20-030	NEW-P	82-22-061
133-20-040	NEW-P	82-22-061
133-20-050	NEW-P	82-22-061
133-20-060	NEW-P	82-22-061
133-20-070	NEW-P	82-22-061
133-20-080	NEW-P	82-22-061
133-20-090	NEW-P	82-22-061
133-20-100	NEW-P	82-22-061
133-20-110	NEW-P	82-22-061
133-20-120	NEW-P	82-22-061
133-30-010	NEW-P	82-22-061
133-30-020	NEW-P	82-22-061
133-30-030	NEW-P	82-22-061
133-30-040	NEW-P	82-22-061
133-30-050	NEW-P	82-22-061
133-30-060	NEW-P	82-22-061
133-30-070	NEW-P	82-22-061
133-30-080	NEW-P	82-22-061
133-40-010	NEW-P	82-22-061
133-40-010	NEW-E	82-22-062
133-40-020	NEW-P	82-22-061
133-40-020	NEW-E	82-22-062
133-40-030	NEW-P	82-22-061
133-40-030	NEW-E	82-22-062
133-40-040	NEW-P	82-22-061
133-40-040	NEW-E	82-22-062
133-40-050	NEW-P	82-22-061
133-40-050	NEW-E	82-22-062
133-40-060	NEW-P	82-22-061
133-40-060	NEW-E	82-22-062
133-50-010	NEW-P	82-22-061
133-50-020	NEW-P	82-22-061
137-04-010	NEW	82-04-023
137-04-015	NEW	82-04-023
137-04-020	NEW	82-04-023
137-04-030	NEW	82-04-023
137-08-010	NEW	82-04-023
137-08-020	NEW	82-04-023
137-08-060	NEW	82-04-023
137-08-070	NEW	82-04-023
137-08-080	NEW	82-04-023
137-08-090	NEW	82-04-023
137-08-100	NEW	82-04-023
137-08-110	NEW	82-04-023
137-08-120	NEW	82-04-023
137-08-130	NEW	82-04-023
137-08-140	NEW	82-04-023
137-08-150	NEW	82-04-023
137-08-160	NEW	82-04-023
137-08-170	NEW	82-04-023
137-08-180	NEW	82-04-023
137-56-005	NEW-P	82-04-059
137-56-005	NEW	82-08-055
137-56-010	NEW-P	82-04-059
137-56-010	NEW	82-08-055
137-56-020	NEW-P	82-04-059
137-56-020	NEW	82-08-055
137-56-030	NEW-P	82-04-059
137-56-030	NEW	82-08-055
137-56-040	NEW-P	82-04-059
137-56-040	NEW	82-08-055
137-56-050	NEW-P	82-04-059
137-56-050	NEW	82-08-055
137-56-060	NEW-P	82-04-059
137-56-060	NEW	82-08-055
137-56-070	NEW-P	82-04-059
137-56-070	NEW	82-08-055
137-56-080	NEW-P	82-04-059
137-56-080	NEW	82-08-055
137-56-090	NEW-P	82-04-059
137-56-090	NEW	82-08-055
137-56-100	NEW-P	82-04-059
137-56-100	NEW	82-08-055
137-56-120	NEW-P	82-04-059
137-56-120	NEW	82-08-055
137-56-140	NEW-P	82-04-059
137-56-140	NEW	82-08-055
137-56-150	NEW-P	82-04-059
137-56-150	NEW	82-08-055
137-56-160	NEW-P	82-04-059
137-56-160	NEW	82-08-055
137-56-170	NEW-P	82-04-059
137-56-170	NEW	82-08-055
137-56-180	NEW-P	82-04-059
137-56-180	NEW	82-08-055
137-56-190	NEW-P	82-04-059
137-56-190	NEW	82-08-055
137-56-200	NEW-P	82-04-059
137-56-200	NEW	82-08-055
137-56-210	NEW-P	82-04-059
137-56-210	NEW	82-08-055
137-56-220	NEW-P	82-04-059
137-56-220	NEW	82-08-055
137-56-230	NEW-P	82-04-059
137-56-230	NEW	82-08-055
137-56-240	NEW-P	82-04-059
137-56-240	NEW	82-08-055
137-56-250	NEW-P	82-04-059
137-56-250	NEW	82-08-055
137-56-260	NEW-P	82-04-059
137-56-260	NEW	82-08-055
137-56-270	NEW-P	82-04-059
137-56-270	NEW	82-08-055
137-57-005	NEW-P	82-04-059
137-57-005	NEW	82-08-055
137-57-010	NEW-P	82-04-059
137-57-010	NEW	82-08-055
137-57-020	NEW-P	82-04-059
137-57-020	NEW	82-08-055
137-57-030	NEW-P	82-04-059
137-57-030	NEW	82-08-055
137-57-040	NEW-P	82-04-059
137-57-040	NEW	82-08-055
137-57-050	NEW-P	82-04-059
137-57-050	NEW	82-08-055
137-57-060	NEW-P	82-04-059
137-57-060	NEW	82-08-055
137-57-070	NEW-P	82-04-059
137-57-070	NEW	82-08-055
137-57-080	NEW-P	82-04-059
137-57-080	NEW	82-08-055
137-58-010	NEW-P	82-03-013
137-58-010	NEW-E	82-03-014
137-58-010	NEW	82-07-067
137-58-020	NEW-P	82-03-013
137-58-020	NEW-E	82-03-014
137-58-020	NEW	82-07-067
137-58-030	NEW-P	82-03-013
137-58-030	NEW-E	82-03-014
137-58-030	NEW	82-07-067
137-58-040	NEW-P	82-03-013
137-58-040	NEW-E	82-03-014
137-58-040	NEW	82-07-067
137-60	NEW-P	82-03-015
137-60	NEW-E	82-03-016
137-60-010	NEW-P	82-03-015
137-60-010	NEW-E	82-03-016
137-60-010	NEW	82-07-006
137-60-020	NEW-P	82-03-015
137-60-020	NEW-E	82-03-016
137-60-020	NEW	82-07-006
137-60-030	NEW-P	82-03-015
137-60-030	NEW-E	82-03-016
137-60-030	NEW	82-07-006
137-60-040	NEW-P	82-03-015
137-60-040	NEW-E	82-03-016
137-60-040	NEW	82-07-006
137-60-045	NEW-P	82-03-015
137-60-045	NEW-E	82-03-016
137-60-045	NEW	82-07-006
137-60-050	NEW-P	82-03-015
137-60-050	NEW-E	82-03-016
137-60-050	NEW	82-07-006
137-60-060	NEW-P	82-03-015
137-60-060	NEW-E	82-03-016
137-60-060	NEW	82-07-006
137-60-070	NEW-P	82-03-015
137-60-070	NEW-E	82-03-016
137-60-070	NEW	82-07-006
137-60-080	NEW-P	82-03-015
137-60-080	NEW-E	82-03-016
137-60-080	NEW	82-07-006
137-60-090	NEW-P	82-03-015
137-60-090	NEW-E	82-03-016
137-60-090	NEW	82-07-006
137-60-100	NEW-P	82-03-015
137-60-100	NEW-E	82-03-016
137-60-100	NEW	82-07-006
137-60-110	NEW-P	82-03-015
137-60-110	NEW-E	82-03-016
137-60-110	NEW	82-07-006
137-60-120	NEW-P	82-03-015
137-60-120	NEW-E	82-03-016
137-60-120	NEW	82-07-006
137-60-130	NEW-P	82-03-015
137-60-130	NEW-E	82-03-016
137-60-130	NEW	82-07-006
137-60-140	NEW-P	82-03-015
137-60-140	NEW-E	82-03-016
137-60-140	NEW	82-07-006
137-65-010	NEW-P	82-14-031
137-65-010	NEW-E	82-14-034
137-65-010	NEW-W	82-18-043
137-65-020	NEW-P	82-14-031
137-65-020	NEW-E	82-14-034
137-65-020	NEW-W	82-18-043
137-65-030	NEW-P	82-14-031
137-65-030	NEW-E	82-14-034
137-65-030	NEW-W	82-18-043
137-65-040	NEW-P	82-14-031
137-65-040	NEW-E	82-14-034
137-65-040	NEW-W	82-18-043
137-65-050	NEW-P	82-14-031
137-65-050	NEW-E	82-14-034
137-65-050	NEW-W	82-18-043
137-65-060	NEW-P	82-14-031
137-65-060	NEW-E	82-14-034
137-65-060	NEW-W	82-18-043
137-65-070	NEW-P	82-14-031
137-65-070	NEW-E	82-14-034
137-65-070	NEW-W	82-18-043
137-65-080	NEW-P	82-14-031
137-65-080	NEW-E	82-14-034
137-65-080	NEW-W	82-18-043
137-70-010	NEW-P	82-14-030
137-70-010	NEW-E	82-14-033
137-70-010	NEW	82-17-044
137-70-020	NEW-P	82-14-030
137-70-020	NEW-E	82-14-033
137-70-020	NEW	82-17-044
137-70-030	NEW-P	82-14-030
137-70-030	NEW-E	82-14-033

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WAC #		WSR #
137-70-030	NEW	82-17-044
137-70-040	NEW-P	82-14-030
137-70-040	NEW-E	82-14-033
137-70-040	NEW	82-17-044
137-70-050	NEW-P	82-14-030
137-70-050	NEW-E	82-14-033
137-70-050	NEW	82-17-044
137-70-060	NEW-P	82-14-030
137-70-060	NEW-E	82-14-033
137-70-060	NEW	82-17-044
137-70-070	NEW-P	82-14-030
137-70-070	NEW-E	82-14-033
137-70-070	NEW	82-17-044
137-70-080	NEW-P	82-14-030
137-70-080	NEW-E	82-14-033
137-70-080	NEW	82-17-044
137-80-010	NEW-P	82-14-032
137-80-010	NEW	82-18-042
137-80-020	NEW-P	82-14-032
137-80-020	NEW	82-18-042
137-80-030	NEW-P	82-14-032
137-80-030	NEW	82-18-042
137-80-040	NEW-P	82-14-032
137-80-040	NEW	82-18-042
137-80-050	NEW-P	82-14-032
137-80-050	NEW	82-18-042
137-80-060	NEW-P	82-14-032
137-80-060	NEW	82-18-042
139-14-010	AMD-P	82-22-063
139-20-010	REP-P	82-22-063
139-20-020	NEW-P	82-22-063
139-36-010	REP-P	82-04-065
139-36-010	REP	82-07-051
139-36-020	NEW-P	82-04-066
139-36-020	NEW	82-07-052
139-36-030	NEW-P	82-04-066
139-36-030	NEW	82-07-052
139-36-031	NEW-P	82-04-066
139-36-031	NEW	82-07-052
139-36-032	NEW-P	82-04-066
139-36-032	NEW	82-07-052
139-36-033	NEW-P	82-04-066
139-36-033	NEW	82-07-052
139-36-034	NEW-P	82-04-066
139-36-034	NEW	82-07-052
139-36-040	NEW-P	82-04-066
139-36-040	NEW	82-07-052
139-36-041	NEW-P	82-04-066
139-36-041	NEW	82-07-052
139-36-050	NEW-P	82-04-066
139-36-050	NEW	82-07-052
139-36-051	NEW-P	82-04-066
139-36-051	NEW	82-07-052
139-36-060	NEW-P	82-04-066
139-36-060	NEW	82-07-052
139-36-061	NEW-P	82-04-066
139-36-061	NEW	82-07-052
139-50-010	NEW-P	82-03-047
139-50-010	NEW	82-07-053
139-50-020	NEW-P	82-17-001
139-50-020	NEW	82-21-062
154	NEW-C	82-12-027
154-01	NEW-C	82-08-054
154-01-010	NEW-E	82-04-017
154-01-010	NEW-E	82-10-005
154-01-010	NEW	82-13-043
154-04	NEW-C	82-08-054
154-04-010	NEW-E	82-04-017
154-04-010	NEW-E	81-10-005
154-04-010	NEW	82-13-043
154-04-020	NEW-E	82-04-017
154-04-020	NEW-E	81-10-005
154-04-020	NEW	82-13-043
154-04-030	NEW-E	82-04-017
154-04-030	NEW-E	81-10-005
154-04-030	NEW	82-13-043
154-04-040	NEW-E	82-04-017
154-04-040	NEW-E	81-10-005
154-04-040	NEW	82-13-043
154-04-050	NEW-E	82-04-017
154-04-050	NEW-E	81-10-005
154-04-050	NEW	82-13-043
154-04-060	NEW-E	81-10-005
154-04-060	NEW-E	82-04-017
154-04-060	NEW	82-13-043
154-04-070	NEW-E	82-04-017
154-04-070	NEW-E	81-10-005
154-04-070	NEW	82-13-043
154-04-080	NEW-E	82-04-017
154-04-080	NEW-E	81-10-005
154-04-080	NEW	82-13-043
154-04-090	NEW-E	82-04-017
154-04-090	NEW-E	81-10-005
154-04-090	NEW	82-13-043
154-04-100	NEW-E	82-04-017
154-04-100	NEW-E	81-10-005
154-04-100	NEW	82-13-043
154-04-110	NEW-E	82-04-017
154-04-110	NEW-E	81-10-005
154-04-110	NEW	82-13-043
154-08	NEW-C	82-08-054
154-08-010	NEW-E	82-04-017
154-08-010	NEW-E	82-10-005
154-08-010	NEW	82-13-043
154-08-020	NEW-E	82-04-017
154-08-020	NEW-E	82-10-005
154-08-020	NEW	82-13-043
154-08-030	NEW-E	82-04-017
154-08-030	NEW-E	82-10-005
154-08-030	NEW	82-13-043
154-08-040	NEW-E	82-04-017
154-08-040	NEW-E	82-10-005
154-08-040	NEW	82-13-043
154-08-050	NEW-E	82-04-017
154-08-050	NEW-E	82-10-005
154-08-050	NEW	82-13-043
154-12	NEW-C	82-08-054
154-12-010	NEW-E	82-04-017
154-12-010	NEW-E	82-10-005
154-12-010	NEW	82-13-043
154-12-020	NEW-E	82-04-017
154-12-020	NEW-E	82-10-005
154-12-020	NEW	82-13-043
154-12-030	NEW-E	82-04-017
154-12-030	NEW-E	82-10-005
154-12-030	NEW	82-13-043
154-12-040	NEW-E	82-04-017
154-12-040	NEW-E	82-10-005
154-12-040	NEW	82-13-043
154-12-050	NEW-E	82-04-017
154-12-050	NEW-E	82-10-005
154-12-050	NEW	82-13-043
154-12-060	NEW-E	82-04-017
154-12-060	NEW-E	82-10-005
154-12-060	NEW	82-13-043
154-12-070	NEW-E	82-04-017
154-12-070	NEW-E	82-10-005
154-12-070	NEW	82-13-043
154-12-080	NEW-E	82-04-017
154-12-080	NEW-E	82-10-005
154-12-080	NEW	82-13-043
154-12-090	NEW-E	82-04-017
154-12-090	NEW-E	82-10-005
154-12-090	NEW	82-13-043
154-12-100	NEW-E	82-04-017
154-12-100	NEW-E	82-10-005
154-12-100	NEW	82-13-043
154-12-110	NEW-E	82-04-017
154-12-110	NEW-E	82-10-005
154-12-110	NEW	82-13-043
154-16	NEW-C	82-08-054
154-16-010	NEW-E	82-04-017
154-16-010	NEW-E	82-10-005
154-16-010	NEW	82-13-043
154-16-020	NEW-E	82-04-017
154-16-020	NEW-E	82-10-005
154-16-020	NEW	82-13-043
154-20	NEW-C	82-08-054
154-20-010	NEW-E	82-04-017
154-20-010	NEW-E	82-10-005
154-20-010	NEW	82-13-043
154-20-020	NEW-E	82-04-017
154-20-020	NEW-E	82-10-005
154-20-020	NEW	82-13-043
154-24	NEW-C	82-08-054
154-24-010	NEW-E	82-04-017
154-24-010	NEW-E	82-10-005
154-24-010	NEW	82-13-043
154-28	NEW-C	82-08-054
154-28-010	NEW-E	82-04-017
154-28-010	NEW-E	82-10-005
154-28-010	NEW	82-13-043
154-32	NEW-C	82-08-054
154-32-010	NEW-E	82-04-017
154-32-010	NEW-E	82-10-005
154-32-010	NEW	82-13-043
154-32-020	NEW-E	82-04-017
154-32-020	NEW-E	82-10-005
154-32-020	NEW	82-13-043
154-36	NEW-C	82-08-054
154-36-010	NEW-E	82-04-017
154-36-010	NEW-E	82-10-005
154-36-010	NEW	82-13-043
154-40	NEW-C	82-08-054
154-40-010	NEW-E	82-04-017
154-40-010	NEW-E	82-10-005
154-40-010	NEW	82-13-043
154-44	NEW-C	82-08-054
154-44-010	NEW-E	82-04-017
154-44-010	NEW-E	82-10-005
154-44-010	NEW	82-13-043
154-48	NEW-C	82-08-054
154-48-010	NEW-E	82-04-017
154-48-010	NEW-E	82-10-005
154-48-010	NEW	82-13-043
154-52	NEW-C	82-08-054
154-52-010	NEW-E	82-04-017
154-52-010	NEW-E	82-10-005
154-52-010	NEW	82-13-043
154-56	NEW-C	82-08-054
154-56-010	NEW-E	82-04-017
154-56-010	NEW-E	82-10-005
154-56-010	NEW	82-13-043
154-60	NEW-C	82-08-054
154-60-010	NEW-E	82-04-017
154-60-010	NEW-E	82-10-005
154-60-010	NEW	82-13-043
154-64	NEW-C	82-08-054
154-64-010	NEW-E	82-04-017
154-64-010	NEW-E	82-10-005
154-64-010	NEW	82-13-043
154-64-020	NEW-E	82-04-017
154-64-020	NEW-E	82-10-005
154-64-020	NEW	82-13-043
154-64-030	NEW-E	82-04-017
154-64-030	NEW-E	82-10-005
154-64-030	NEW	82-13-043
154-64-040	NEW-E	82-04-017
154-64-040	NEW-E	82-10-005
154-64-040	NEW	82-13-043
154-64-050	NEW-E	82-04-017
154-64-050	NEW-E	82-10-005
154-64-050	NEW	82-13-043
154-64-060	NEW-E	82-04-017
154-64-060	NEW-E	82-10-005
154-64-060	NEW	82-13-043
154-68	NEW-C	82-08-054
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162-06-030	NEW	82-19-086
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162-16-160	NEW-C	82-12-023
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162-16-160	NEW	82-19-072
162-16-170	NEW-P	82-08-070
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162-16-170	NEW-C	82-16-082
162-16-170	NEW	82-19-072
162-26	NEW-C	82-19-061
162-26-010	NEW-P	82-12-053
162-26-010	NEW-C	82-16-070
162-26-010	NEW	82-19-086
162-26-020	NEW-P	82-12-053
162-26-020	NEW-C	82-16-070
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162-26-030	NEW-C	82-16-070
162-26-030	NEW	82-19-086
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162-26-080	NEW-C	82-16-070
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162-26-090	NEW-C	82-16-070
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162-26-100	NEW-C	82-16-070
162-26-100	NEW-C	82-22-086
162-26-110	NEW-P	82-12-053
162-26-110	NEW-C	82-16-070
162-26-110	NEW	82-19-086
162-26-120	NEW-P	82-12-053
162-26-120	NEW-C	82-16-070
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162-26-130	NEW	82-19-086
162-26-140	NEW-C	82-22-086
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162-38-020	NEW-P	82-12-053
162-38-020	NEW-C	82-16-070
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162-38-070	NEW-C	82-16-070
162-38-070	NEW-C	82-22-086
162-38-080	NEW-P	82-12-053
162-38-080	NEW-C	82-16-070
162-38-080	NEW	82-19-086
162-38-090	NEW-P	82-12-053
162-38-090	NEW-C	82-16-070
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162-38-110	NEW-C	82-16-070
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162-38-120	NEW-P	82-12-053
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173-128A-020	NEW	82-14-041
173-128A-030	NEW-P	82-10-074
173-128A-030	NEW	82-14-041
173-128A-040	NEW-P	82-10-074
173-128A-040	NEW	82-14-041
173-128A-050	NEW-P	82-10-074
173-128A-050	NEW	82-14-041
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173-130-160	REP	82-16-103
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173-130-170	REP	82-16-103
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173-130A-110	NEW	82-16-103
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173-130A-160	NEW	82-16-103
173-130A-170	NEW-P	82-10-073
173-130A-170	NEW	82-16-103
173-130A-180	NEW-P	82-10-073
173-130A-180	NEW	82-16-103
173-130A-190	NEW-P	82-10-073
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173-302-050	REP	82-05-023
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173-302-070	REP	82-05-023
173-302-080	REP	82-05-023
173-302-090	REP	82-05-023
173-302-100	REP	82-05-023
173-302-110	REP	82-05-023
173-302-120	REP	82-05-023
173-302-130	REP	82-05-023
173-302-140	REP	82-05-023
173-302-150	REP	82-05-023
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173-302-200	REP	82-05-023
173-302-210	REP	82-05-023
173-302-220	REP	82-05-023
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173-302-250	REP	82-05-023
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173-302-380	REP	82-05-023
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212-16-130	REP	82-17-037
212-16-135	REP-E	82-12-013
212-16-135	REP-P	82-13-002
212-16-135	REP	82-17-037
212-16-140	REP-E	82-12-013
212-16-140	REP-P	82-13-002
212-16-140	REP	82-17-037
212-16-145	REP-E	82-12-013
212-16-145	REP-P	82-13-002
212-16-145	REP	82-17-037
212-16-150	REP-E	82-12-013
212-16-150	REP-P	82-13-002
212-16-150	REP	82-17-037
212-16-155	REP-E	82-12-013
212-16-155	REP-P	82-13-002
212-16-155	REP	82-17-037
212-16-160	REP-E	82-12-013
212-16-160	REP-P	82-13-002
212-16-160	REP	82-17-037
212-16-175	REP-E	82-12-013
212-16-175	REP-P	82-13-002
212-16-175	REP	82-17-037
212-16-180	REP-E	82-12-013
212-16-180	REP-P	82-13-002
212-16-180	REP	82-17-037
212-16-185	REP-E	82-12-013
212-16-185	REP-P	82-13-002
212-16-185	REP	82-17-037
212-16-190	REP-E	82-12-013
212-16-190	REP-P	82-13-002
212-16-190	REP	82-17-037
212-16-195	REP-E	82-12-013
212-16-195	REP-P	82-13-002
212-16-195	REP	82-17-037
212-16-200	REP-E	82-12-013
212-16-200	REP-P	82-13-002
212-16-200	REP	82-17-037
212-16-205	REP-E	82-12-013
212-16-205	REP-P	82-13-002
212-16-205	REP	82-17-037
212-16-210	REP-E	82-12-013
212-16-210	REP-P	82-13-002
212-16-210	REP	82-17-037
212-16-215	REP-E	82-12-013
212-16-215	REP-P	82-13-002
212-16-215	REP	82-17-037
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212-16-220	REP-P	82-13-002
212-16-220	REP	82-17-037
212-16-225	REP-E	82-12-013
212-16-225	REP-P	82-13-002
212-16-225	REP	82-17-037
212-16-230	REP-E	82-12-013
212-16-230	REP-P	82-13-002
212-16-230	REP	82-17-037
212-16-235	REP-E	82-12-013
212-16-235	REP-P	82-13-002
212-16-235	REP	82-17-037
212-16-240	REP-E	82-12-013
212-16-240	REP-P	82-13-002
212-16-240	REP	82-17-037
212-16-245	REP-E	82-12-013
212-16-245	REP-P	82-13-002
212-16-245	REP	82-17-037
212-16-250	REP-E	82-12-013
212-16-250	REP-P	82-13-002
212-16-250	REP	82-17-037
212-16-255	REP-E	82-12-013
212-16-255	REP-P	82-13-002
212-16-255	REP	82-17-037
212-16-260	REP-E	82-12-013
212-16-260	REP-P	82-13-002
212-16-260	REP	82-17-037
212-16-275	REP-E	82-12-013
212-16-275	REP-P	82-13-002
212-16-275	REP	82-17-037
212-16-280	REP-E	82-12-013
212-16-280	REP-P	82-13-002
212-16-280	REP	82-17-037
212-16-285	REP-E	82-12-013
212-16-285	REP-P	82-13-002
212-16-285	REP	82-17-037
212-16-290	REP-E	82-12-013
212-16-290	REP-P	82-13-002
212-16-290	REP	82-17-037
212-16-295	REP-E	82-12-013
212-16-295	REP-P	82-13-002
212-16-295	REP	82-17-037
212-16-300	REP-E	82-12-013
212-16-300	REP-P	82-13-002
212-16-300	REP	82-17-037
212-16-305	REP-E	82-12-013
212-16-305	REP-P	82-13-002
212-16-305	REP	82-17-037
212-16-310	REP-E	82-12-013
212-16-310	REP-P	82-13-002
212-16-310	REP	82-17-037
212-16-315	REP-E	82-12-013
212-16-315	REP-P	82-13-002
212-16-315	REP	82-17-037
212-16-320	REP-E	82-12-013
212-16-320	REP-P	82-13-002
212-16-320	REP	82-17-037
212-16-335	REP-E	82-12-013
212-16-335	REP-P	82-13-002
212-16-335	REP	82-17-037
212-16-340	REP-E	82-12-013
212-16-340	REP-P	82-13-002
212-16-340	REP	82-17-037
212-16-345	REP-E	82-12-013
212-16-345	REP-P	82-13-002
212-16-345	REP	82-17-037
212-16-350	REP-E	82-12-013
212-16-350	REP-P	82-13-002
212-16-350	REP	82-17-037
212-16-355	REP-E	82-12-013
212-16-355	REP-P	82-13-002
212-16-355	REP	82-17-037
212-16-360	REP-E	82-12-013
212-16-360	REP-P	82-13-002
212-16-360	REP	82-17-037
212-16-365	REP-E	82-12-013
212-16-365	REP-P	82-13-002
212-16-365	REP	82-17-037
212-16-370	REP-E	82-12-013
212-16-370	REP-P	82-13-002
212-16-370	REP	82-17-037
212-16-385	REP-E	82-12-013
212-16-385	REP-P	82-13-002
212-16-385	REP	82-17-037
212-16-390	REP-E	82-12-013
212-16-390	REP-P	82-13-002
212-16-390	REP	82-17-037
212-16-395	REP-E	82-12-013
212-16-395	REP-P	82-13-002
212-16-395	REP	82-17-037
212-16-400	REP-E	82-12-013
212-16-400	REP-P	82-13-002
212-16-400	REP	82-17-037
212-16-405	REP-E	82-12-013
212-16-405	REP-P	82-13-002
212-16-405	REP	82-17-037
212-16-420	REP-E	82-12-013
212-16-420	REP-P	82-13-002
212-16-420	REP	82-17-037
212-16-425	REP-E	82-12-013
212-16-425	REP-P	82-13-002
212-16-425	REP	82-17-037
212-16-430	REP-E	82-12-013
212-16-430	REP-P	82-13-002
212-16-430	REP	82-17-037
212-16-435	REP-E	82-12-013
212-16-435	REP-P	82-13-002
212-16-435	REP	82-17-037
212-16-440	REP-E	82-12-013
212-16-440	REP-P	82-13-002
212-16-440	REP	82-17-037
212-16-455	REP-E	82-12-013
212-16-455	REP-P	82-13-002
212-16-455	REP	82-17-037
212-16-460	REP-E	82-12-013
212-16-460	REP-P	82-13-002
212-16-460	REP	82-17-037
212-16-465	REP-E	82-12-013
212-16-465	REP-P	82-13-002
212-16-465	REP	82-17-037
212-16-470	REP-E	82-12-013
212-16-470	REP-P	82-13-002
212-16-470	REP	82-17-037
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212-16-480	REP-P	82-13-002
212-16-480	REP	82-17-037
212-16-485	REP-E	82-12-013
212-16-485	REP-P	82-13-002
212-16-485	REP	82-17-037
212-16-490	REP-E	82-12-013
212-16-490	REP-P	82-13-002
212-16-490	REP	82-17-037
212-16-495	REP-E	82-12-013
212-16-495	REP-P	82-13-002
212-16-495	REP	82-17-037
212-16-510	REP-E	82-12-013
212-16-510	REP-P	82-13-002
212-16-510	REP	82-17-037
212-16-515	REP-E	82-12-013
212-16-515	REP-P	82-13-002
212-16-515	REP	82-17-037
212-16-520	REP-E	82-12-013
212-16-520	REP-P	82-13-002
212-16-520	REP	82-17-037
212-16-525	REP-E	82-12-013
212-16-525	REP-P	82-13-002
212-16-525	REP	82-17-037
212-16-530	REP-E	82-12-013
212-16-530	REP-P	82-13-002
212-16-530	REP	82-17-037
212-16-535	REP-E	82-12-013
212-16-535	REP-P	82-13-002
212-16-535	REP	82-17-037
212-16-540	REP-E	82-12-013
212-16-540	REP-P	82-13-002
212-16-540	REP	82-17-037
212-16-545	REP-E	82-12-013
212-16-545	REP-P	82-13-002
212-16-545	REP	82-17-037
212-16-560	REP-E	82-12-013
212-16-560	REP-P	82-13-002
212-16-560	REP	82-17-037
212-16-565	REP-E	82-12-013
212-16-565	REP-P	82-13-002
212-16-565	REP	82-17-037
212-16-570	REP-E	82-12-013
212-16-570	REP-P	82-13-002
212-16-570	REP	82-17-037
212-16-575	REP-E	82-12-013
212-16-575	REP-P	82-13-002
212-16-575	REP	82-17-037
212-16-580	REP-E	82-12-013
212-16-580	REP-P	82-13-002
212-16-580	REP	82-17-037
212-16-585	REP-E	82-12-013
212-16-585	REP-P	82-13-002
212-16-585	REP	82-17-037
212-16-590	REP-E	82-12-013
212-16-590	REP-P	82-13-002
212-16-590	REP	82-17-037
212-16-595	REP-E	82-12-013
212-16-595	REP-P	82-13-002
212-16-595	REP	82-17-037
212-16-600	REP-E	82-12-013
212-16-600	REP-P	82-13-002
212-16-600	REP	82-17-037
212-16-605	REP-E	82-12-013
212-16-605	REP-P	82-13-002
212-16-605	REP	82-17-037
212-16-610	REP-E	82-12-013
212-16-610	REP-P	82-13-002
212-16-610	REP	82-17-037
212-16-615	REP-E	82-12-013
212-16-615	REP-P	82-13-002
212-16-615	REP	82-17-037
212-16-620	REP-E	82-12-013
212-16-620	REP-P	82-13-002
212-16-620	REP	82-17-037
212-16-625	REP-E	82-12-013
212-16-625	REP-P	82-13-002
212-16-625	REP	82-17-037
212-16-630	REP-E	82-12-013
212-16-630	REP-P	82-13-002
212-16-630	REP	82-17-037
212-16-635	REP-E	82-12-013
212-16-635	REP-P	82-13-002
212-16-635	REP	82-17-037
212-16-640	REP-E	82-12-013
212-16-640	REP-P	82-13-002
212-16-640	REP	82-17-037
212-16-645	REP-E	82-12-013
212-16-645	REP-P	82-13-002
212-16-645	REP	82-17-037
212-16-650	REP-E	82-12-013
212-16-650	REP-P	82-13-002
212-16-650	REP	82-17-037
212-16-655	REP-E	82-12-013
212-16-655	REP-P	82-13-002
212-16-655	REP	82-17-037
212-16-660	REP-E	82-12-013
212-16-660	REP-P	82-13-002
212-16-660	REP	82-17-037
212-16-665	REP-E	82-12-013
212-16-665	REP-P	82-13-002
212-16-665	REP	82-17-037
212-16-670	REP-E	82-12-013
212-16-670	REP-P	82-13-002
212-16-670	REP	82-17-037
212-16-675	REP-E	82-12-013
212-16-675	REP-P	82-13-002
212-16-675	REP	82-17-037
212-16-680	REP-E	82-12-013
212-16-680	REP-P	82-13-002
212-16-680	REP	82-17-037
212-16-685	REP-E	82-12-013
212-16-685	REP-P	82-13-002
212-16-685	REP	82-17-037
212-16-690	REP-E	82-12-013
212-16-690	REP-P	82-13-002
212-16-690	REP	82-17-037
212-16-695	REP-E	82-12-013
212-16-695	REP-P	82-13-002
212-16-695	REP	82-17-037
212-16-700	REP-E	82-12-013
212-16-700	REP-P	82-13-002
212-16-700	REP	82-17-037
212-16-705	REP-E	82-12-013
212-16-705	REP-P	82-13-002
212-16-705	REP	82-17-037
212-16-710	REP-E	82-12-013
212-16-710	REP-P	82-13-002
212-16-710	REP	82-17-037
212-16-715	REP-E	82-12-013
212-16-715	REP-P	82-13-002
212-16-715	REP	82-17-037
212-16-720	REP-E	82-12-013
212-16-720	REP-P	82-13-002
212-16-720	REP	82-17-037
212-16-725	REP-E	82-12-013
212-16-725	REP-P	82-13-002
212-16-725	REP	82-17-037
212-16-730	REP-E	82-12-013
212-16-730	REP-P	82-13-002
212-16-730	REP	82-17-037
212-16-735	REP-E	82-12-013
212-16-735	REP-P	82-13-002
212-16-735	REP	82-17-037
212-16-750	REP-E	82-12-013
212-16-750	REP-P	82-13-002
212-16-750	REP	82-17-037
212-16-755	REP-E	82-12-013
212-16-755	REP-P	82-13-002
212-16-755	REP	82-17-037
212-16-760	REP-E	82-12-013
212-16-760	REP-P	82-13-002
212-16-760	REP	82-17-037
212-16-765	REP-E	82-12-013
212-16-765	REP-P	82-13-002
212-16-765	REP	82-17-037
212-16-770	REP-E	82-12-013
212-16-770	REP-P	82-13-002
212-16-770	REP	82-17-037
212-16-775	REP-E	82-12-013
212-16-775	REP-P	82-13-002
212-16-775	REP	82-17-037
212-16-780	REP-E	82-12-013
212-16-780	REP-P	82-13-002
212-16-780	REP	82-17-037
212-16-785	REP-E	82-12-013
212-16-785	REP-P	82-13-002
212-16-785	REP	82-17-037
212-16-800	REP-E	82-12-013
212-16-800	REP-P	82-13-002
212-16-800	REP	82-17-037
212-16-805	REP-E	82-12-013
212-16-805	REP-P	82-13-002
212-16-805	REP	82-17-037
212-16-810	REP-E	82-12-013
212-16-810	REP-P	82-13-002
212-16-810	REP	82-17-037
212-16-815	REP-E	82-12-013
212-16-815	REP-P	82-13-002
212-16-815	REP	82-17-037
212-16-820	REP-E	82-12-013
212-16-820	REP-P	82-13-002
212-16-820	REP	82-17-037
212-16-825	REP-E	82-12-013
212-16-825	REP-P	82-13-002
212-16-825	REP	82-17-037
212-16-830	REP-E	82-12-013
212-16-830	REP-P	82-13-002
212-16-830	REP	82-17-037
212-16-845	REP-E	82-12-013
212-16-845	REP-P	82-13-002
212-16-845	REP	82-17-037
212-16-850	REP-E	82-12-013
212-16-850	REP-P	82-13-002
212-16-850	REP	82-17-037
212-16-855	REP-E	82-12-013
212-16-855	REP-P	82-13-002
212-16-855	REP	82-17-037
212-16-860	REP-E	82-12-013
212-16-860	REP-P	82-13-002
212-16-860	REP	82-17-037
212-16-865	REP-E	82-12-013
212-16-865	REP-P	82-13-002
212-16-865	REP	82-17-037
212-16-870	REP-E	82-12-013
212-16-870	REP-P	82-13-002
212-16-870	REP	82-17-037
212-16-875	REP-E	82-12-013
212-16-875	REP-P	82-13-002
212-16-875	REP	82-17-037
212-16-880	REP-E	82-12-013
212-16-880	REP-P	82-13-002
212-16-880	REP	82-17-037
212-16-885	REP-E	82-12-013
212-16-885	REP-P	82-13-002
212-16-885	REP	82-17-037
212-16-890	REP-E	82-12-013
212-16-890	REP-P	82-13-002
212-16-890	REP	82-17-037
212-16-895	REP-E	82-12-013
212-16-895	REP-P	82-13-002
212-16-895	REP	82-17-037
212-16-900	REP-E	82-12-013
212-16-900	REP-P	82-13-002
212-16-900	REP	82-17-037
212-16-905	REP-E	82-12-013
212-16-905	REP-P	82-13-002
212-16-905	REP	82-17-037
212-16-910	REP-E	82-12-013

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212-16-950	REP	82-17-037
212-17	NEW-C	82-18-033
212-17	NEW-C	82-20-002
212-17-001	NEW-E	82-12-001
212-17-001	NEW-P	82-13-001
212-17-001	NEW-E	82-18-020
212-17-001	NEW	82-22-068
212-17-010	NEW-E	82-12-001
212-17-010	NEW-P	82-13-001
212-17-010	NEW-E	82-18-020
212-17-010	NEW	82-22-068
212-17-015	NEW-E	82-12-001
212-17-015	NEW-P	82-13-001
212-17-015	NEW-E	82-18-020
212-17-015	NEW	82-22-068
212-17-020	NEW-E	82-12-001
212-17-020	NEW-P	82-13-001
212-17-020	NEW-E	82-18-020
212-17-020	NEW	82-22-068
212-17-025	NEW-E	82-12-001
212-17-025	NEW-P	82-13-001
212-17-025	NEW-E	82-18-020
212-17-025	NEW	82-22-068
212-17-030	NEW-E	82-12-001
212-17-030	NEW-P	82-13-001
212-17-030	NEW-E	82-18-020
212-17-030	NEW	82-22-068
212-17-035	NEW-E	82-12-001
212-17-035	NEW-P	82-13-001
212-17-035	NEW-E	82-18-020
212-17-035	NEW	82-22-068
212-17-040	NEW-E	82-12-001
212-17-040	NEW-P	82-13-001
212-17-040	NEW-E	82-18-020
212-17-040	NEW	82-22-068
212-17-045	NEW-E	82-12-001
212-17-045	NEW-P	82-13-001
212-17-045	NEW-E	82-18-020
212-17-045	NEW	82-22-068
212-17-050	NEW-E	82-12-001
212-17-050	NEW-P	82-13-001
212-17-050	NEW-E	82-18-020
212-17-050	NEW	82-22-068
212-17-055	NEW-E	82-12-001
212-17-055	NEW-P	82-13-001
212-17-055	NEW-E	82-18-020
212-17-055	NEW	82-22-068
212-17-060	NEW-E	82-12-001
212-17-060	NEW-P	82-13-001
212-17-060	NEW-E	82-18-020
212-17-060	NEW	82-22-068
212-17-065	NEW-E	82-12-001
212-17-065	NEW-P	82-13-001
212-17-065	NEW-E	82-18-020
212-17-065	NEW	82-22-068
212-17-070	NEW-E	82-12-001
212-17-070	NEW-P	82-13-001
212-17-070	NEW-E	82-18-020
212-17-070	NEW	82-22-068
212-17-075	NEW-E	82-12-001
212-17-075	NEW-P	82-13-001
212-17-075	NEW-E	82-18-020
212-17-075	NEW	82-22-068
212-17-080	NEW-E	82-12-001
212-17-080	NEW-P	82-13-001
212-17-080	NEW-E	82-18-020
212-17-080	NEW	82-22-068
212-17-085	NEW-E	82-12-001
212-17-085	NEW-P	82-13-001
212-17-085	NEW-E	82-18-020
212-17-085	NEW	82-22-068
212-17-090	NEW-E	82-12-001
212-17-090	NEW-P	82-13-001
212-17-090	NEW-E	82-18-020
212-17-090	NEW	82-22-068
212-17-095	NEW-E	82-12-001
212-17-095	NEW-P	82-13-001
212-17-095	NEW-E	82-18-020
212-17-095	NEW	82-22-068
212-17-100	NEW-E	82-12-001
212-17-100	NEW-P	82-13-001
212-17-100	NEW-E	82-18-020
212-17-100	NEW	82-22-068
212-17-105	NEW-E	82-12-001
212-17-105	NEW-P	82-13-001
212-17-105	NEW-E	82-18-020
212-17-105	NEW	82-22-068
212-17-110	NEW-E	82-12-001
212-17-110	NEW-P	82-13-001
212-17-110	NEW-E	82-18-020
212-17-110	NEW	82-22-068
212-17-115	NEW-E	82-12-001
212-17-115	NEW-P	82-13-001
212-17-115	NEW-E	82-18-020
212-17-115	NEW	82-22-068
212-17-120	NEW-E	82-12-001
212-17-120	NEW-P	82-13-001
212-17-120	NEW-E	82-18-020
212-17-120	NEW	82-22-068
212-17-125	NEW-E	82-12-001
212-17-125	NEW-P	82-13-001
212-17-125	NEW-E	82-18-020
212-17-125	NEW	82-22-068
212-17-130	NEW-E	82-12-001
212-17-130	NEW-P	82-13-001
212-17-130	NEW-E	82-18-020
212-17-130	NEW	82-22-068
212-17-135	NEW-E	82-12-001
212-17-135	NEW-P	82-13-001
212-17-135	NEW-E	82-18-020
212-17-135	NEW	82-22-068
212-17-140	NEW-E	82-12-001
212-17-140	NEW-P	82-13-001
212-17-140	NEW-E	82-18-020
212-17-140	NEW	82-22-068
212-17-145	NEW-E	82-12-001
212-17-145	NEW-P	82-13-001
212-17-145	NEW-E	82-18-020
212-17-145	NEW	82-22-068
212-17-150	NEW-E	82-12-001
212-17-150	NEW-P	82-13-001
212-17-150	NEW-E	82-18-020
212-17-150	NEW	82-22-068
212-17-155	NEW-E	82-12-001
212-17-155	NEW-P	82-13-001
212-17-155	NEW-E	82-18-020
212-17-155	NEW	82-22-068
212-17-160	NEW-E	82-12-001
212-17-160	NEW-P	82-13-001
212-17-160	NEW-E	82-18-020
212-17-160	NEW	82-22-068
212-17-165	NEW-E	82-12-001
212-17-165	NEW-P	82-13-001
212-17-165	NEW-E	82-18-020
212-17-165	NEW	82-22-068
212-17-170	NEW-E	82-12-001
212-17-170	NEW-P	82-13-001
212-17-170	NEW-E	82-18-020
212-17-170	NEW	82-22-068
212-17-175	NEW-E	82-12-001
212-17-175	NEW-P	82-13-001
212-17-175	NEW-E	82-18-020
212-17-175	NEW	82-22-068
212-17-180	NEW-E	82-12-001
212-17-180	NEW-P	82-13-001
212-17-180	NEW-E	82-18-020
212-17-180	NEW	82-22-068
212-17-185	NEW-E	82-12-001
212-17-185	NEW-P	82-13-001
212-17-185	NEW-E	82-18-020
212-17-185	NEW	82-22-068
212-17-190	NEW-E	82-12-001
212-17-190	NEW-P	82-13-001
212-17-190	NEW-E	82-18-020
212-17-190	NEW	82-22-068
212-17-195	NEW-E	82-12-001
212-17-195	NEW-P	82-13-001
212-17-195	NEW-E	82-18-020
212-17-195	NEW	82-22-068
212-17-200	NEW-E	82-12-001
212-17-200	NEW-P	82-13-001
212-17-200	NEW-E	82-18-020
212-17-200	NEW	82-22-068
212-17-205	NEW-E	82-12-001
212-17-205	NEW-P	82-13-001
212-17-205	NEW-E	82-18-020
212-17-205	NEW	82-22-068
212-17-210	NEW-E	82-12-001
212-17-210	NEW-P	82-13-001
212-17-210	NEW-E	82-18-020
212-17-210	NEW	82-22-068
212-17-215	NEW-E	82-12-001
212-17-215	NEW-P	82-13-001
212-17-215	NEW-E	82-18-020
212-17-215	NEW	82-22-068
212-17-220	NEW-E	82-12-001
212-17-220	NEW-P	82-13-001
212-17-220	NEW-E	82-18-020
212-17-220	NEW	82-22-068
212-17-225	NEW-E	82-12-001
212-17-225	NEW-P	82-13-001
212-17-225	NEW-E	82-18-020
212-17-225	NEW	82-22-068
212-17-230	NEW-E	82-12-001
212-17-230	NEW-P	82-13-001
212-17-230	NEW-E	82-18-020
212-17-230	NEW	82-22-068
212-17-235	NEW-E	82-12-001
212-17-235	NEW-P	82-13-001
212-17-235	NEW-E	82-18-020
212-17-235	NEW	82-22-068
212-17-240	NEW-E	82-12-001
212-17-240	NEW-P	82-13-001
212-17-240	NEW-E	82-18-020
212-17-240	NEW	82-22-068
212-17-245	NEW-E	82-12-001
212-17-245	NEW-P	82-13-001
212-17-245	NEW-E	82-18-020
212-17-245	NEW	82-22-068
212-17-250	NEW-E	82-12-001
212-17-250	NEW-P	82-13-001
212-17-250	NEW-E	82-18-020
212-17-250	NEW	82-22-068
212-17-255	NEW-E	82-12-001
212-17-255	NEW-P	82-13-001
212-17-255	NEW-E	82-18-020
212-17-255	NEW	82-22-068
212-17-260	NEW-E	82-12-001
212-17-260	NEW-P	82-13-001
212-17-260	NEW-E	82-18-020
212-17-260	NEW	82-22-068
212-17-265	NEW-E	82-12-001
212-17-265	NEW-P	82-13-001
212-17-265	NEW-E	82-18-020
212-17-265	NEW	82-22-068
212-17-270	NEW-E	82-12-001
212-17-270	NEW-P	82-13-001
212-17-270	NEW-E	82-18-020
212-17-270	NEW	82-22-068
212-17-275	NEW-E	82-12-001
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212-17-280	NEW-E	82-12-001
212-17-280	NEW-P	82-13-001
212-17-280	NEW-E	82-18-020
212-17-280	NEW	82-22-068

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212-17-285	NEW	82-22-068
212-17-290	NEW-E	82-12-001
212-17-290	NEW-P	82-13-001
212-17-290	NEW-E	82-18-020
212-17-290	NEW	82-22-068
212-17-295	NEW-E	82-12-001
212-17-295	NEW-P	82-13-001
212-17-295	NEW-E	82-18-020
212-17-295	NEW	82-22-068
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212-17-300	NEW-E	82-18-020
212-17-300	NEW	82-22-068
212-17-305	NEW-E	82-12-001
212-17-305	NEW-P	82-13-001
212-17-305	NEW-E	82-18-020
212-17-305	NEW	82-22-068
212-17-310	NEW-E	82-12-001
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212-17-310	NEW	82-22-068
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212-17-320	NEW-E	82-18-020
212-17-320	NEW	82-22-068
212-17-325	NEW-E	82-12-001
212-17-325	NEW-P	82-13-001
212-17-325	NEW-E	82-18-020
212-17-325	NEW	82-22-068
212-17-330	NEW-E	82-12-001
212-17-330	NEW-P	82-13-001
212-17-330	NEW-E	82-18-020
212-17-330	NEW	82-22-068
212-17-335	NEW-E	82-12-001
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212-17-335	NEW-E	82-18-020
212-17-335	NEW	82-22-068
212-17-340	NEW-E	82-12-001
212-17-340	NEW-P	82-13-001
212-17-340	NEW-E	82-18-020
212-17-340	NEW	82-22-068
212-17-345	NEW-E	82-12-001
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212-17-345	NEW-E	82-18-020
212-17-345	NEW	82-22-068
212-17-350	NEW-E	82-12-001
212-17-350	NEW-P	82-13-001
212-17-350	NEW-E	82-18-020
212-17-350	NEW	82-22-068
212-17-355	NEW-E	82-12-001
212-17-355	NEW-P	82-13-001
212-17-355	NEW-E	82-18-020
212-17-355	NEW	82-22-068
212-17-360	NEW-E	82-12-001
212-17-360	NEW-P	82-13-001
212-17-360	NEW-E	82-18-020
212-17-360	NEW	82-22-068
212-17-900	NEW-E	82-12-001
212-17-900	NEW-P	82-13-001
212-17-900	NEW-E	82-18-020
212-17-900	NEW	82-22-068
212-26-001	NEW-P	82-07-075
212-26-001	NEW	82-11-029
212-26-005	NEW-P	82-07-075
212-26-005	NEW	82-11-029
212-26-010	NEW-P	82-07-075
212-26-010	NEW	82-11-029
212-26-015	NEW-P	82-07-075
212-26-015	NEW	82-11-029
212-26-020	NEW-P	82-07-075
212-26-020	NEW	82-11-029
212-26-025	NEW-P	82-07-075
212-26-025	NEW	82-11-029
212-26-030	NEW-P	82-07-075
212-26-030	NEW	82-11-029
212-26-035	NEW-P	82-07-075
212-26-035	NEW	82-11-029
212-26-040	NEW-P	82-07-075
212-26-040	NEW	82-11-029
212-26-045	NEW-P	82-07-075
212-26-045	NEW	82-11-029
212-26-050	NEW-P	82-07-075
212-26-050	NEW	82-11-029
212-26-055	NEW-P	82-07-075
212-26-055	NEW	82-11-029
212-26-060	NEW-P	82-07-075
212-26-060	NEW	82-11-029
212-26-065	NEW-P	82-07-075
212-26-065	NEW	82-11-029
212-26-070	NEW-P	82-07-075
212-26-070	NEW	82-11-029
212-26-075	NEW-P	82-07-075
212-26-075	NEW	82-11-029
212-26-080	NEW-P	82-07-075
212-26-080	NEW	82-11-029
212-26-085	NEW-P	82-07-075
212-26-085	NEW	82-11-029
212-26-090	NEW-P	82-07-075
212-26-090	NEW	82-11-029
212-26-095	NEW-P	82-07-075
212-26-095	NEW	82-11-029
212-26-100	NEW-P	82-07-075
212-26-100	NEW	82-11-029
212-26-105	NEW-P	82-07-075
212-26-105	NEW	82-11-029
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212-43-015	NEW-P	82-20-097
212-43-020	NEW-P	82-20-097
212-43-025	NEW-P	82-20-097
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212-43-070	NEW-P	82-20-097
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212-45-050	NEW-P	82-20-096
212-45-055	NEW-P	82-20-096
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212-45-070	NEW-P	82-20-096
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212-45-090	NEW-P	82-20-096
212-45-095	NEW-P	82-20-096
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212-55-001	AMD	82-22-025
212-55-005	AMD-P	82-19-085
212-55-005	AMD	82-22-025
212-55-010	AMD-P	82-19-085
212-55-010	AMD	82-22-025
212-55-025	AMD-P	82-19-085
212-55-025	AMD	82-22-025
212-55-030	AMD-P	82-19-085
212-55-030	AMD	82-22-025
212-55-035	AMD-P	82-19-085
212-55-035	AMD	82-22-025
212-55-040	AMD-P	82-19-085
212-55-040	AMD	82-22-025
212-55-055	AMD-P	82-19-085
212-55-055	AMD	82-22-025
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212-55-075	AMD-P	82-19-085
212-55-075	AMD	82-22-025
212-55-085	AMD-P	82-19-085
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220-16-090	AMD-C	82-13-085
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220-20-010	AMD-C	82-07-044
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275-38-570	NEW	82-16-080
275-38-575	NEW-P	82-09-071
275-38-575	NEW-E	82-10-032
275-38-575	NEW	82-16-080
275-38-580	NEW-P	82-09-071
275-38-580	NEW-E	82-10-032
275-38-585	NEW-P	82-09-071
275-38-585	NEW-E	82-10-032
275-38-585	NEW	82-16-080
275-38-590	NEW-P	82-09-071
275-38-590	NEW-E	82-10-032
275-38-590	NEW	82-16-080
275-38-595	NEW-P	82-09-071
275-38-595	NEW-E	82-10-032
275-38-595	NEW	82-16-080
275-38-600	NEW-P	82-09-071
275-38-600	NEW-E	82-10-032
275-38-600	NEW	82-16-080
275-38-605	NEW-P	82-09-071
275-38-605	NEW-E	82-10-032
275-38-605	NEW	82-16-080
275-38-610	NEW-P	82-09-071
275-38-610	NEW-E	82-10-032
275-38-610	NEW	82-16-080
275-38-615	NEW-P	82-09-071
275-38-615	NEW-E	82-10-032
275-38-615	NEW	82-16-080
275-38-620	NEW-P	82-09-071
275-38-620	NEW-E	82-10-032
275-38-620	NEW	82-16-080
275-38-625	NEW-P	82-09-071
275-38-625	NEW-E	82-10-032
275-38-625	NEW	82-16-080
275-38-630	NEW-P	82-09-071
275-38-630	NEW-E	82-10-032
275-38-630	NEW	82-16-080
275-38-635	NEW-P	82-09-071
275-38-635	NEW-E	82-10-032
275-38-635	NEW	82-16-080
275-38-640	NEW-P	82-09-071
275-38-640	NEW-E	82-10-032
275-38-640	NEW	82-16-080
275-38-642	NEW-P	82-09-071
275-38-642	NEW-E	82-10-032
275-38-642	NEW	82-16-080
275-38-643	NEW-P	82-09-071
275-38-643	NEW-E	82-10-032
275-38-645	NEW-P	82-09-071
275-38-645	NEW-E	82-10-032
275-38-645	NEW	82-16-080
275-38-650	NEW-P	82-09-071
275-38-650	NEW-E	82-10-032
275-38-650	NEW	82-16-080
275-38-655	NEW-P	82-09-071
275-38-655	NEW-E	82-10-032
275-38-655	NEW	82-16-080
275-38-660	NEW-P	82-09-071
275-38-660	NEW-E	82-10-032
275-38-660	NEW	82-16-080
275-38-665	NEW-P	82-09-071

WAC #		WSR #
275-38-665	NEW-E	82-10-032
275-38-665	NEW	82-16-080
275-38-667	NEW-P	82-09-071
275-38-667	NEW-E	82-10-032
275-38-667	NEW	82-16-080
275-38-670	NEW-P	82-09-071
275-38-670	NEW-E	82-10-032
275-38-670	NEW	82-16-080
275-38-675	NEW-P	82-09-071
275-38-675	NEW-E	82-10-032
275-38-675	NEW	82-16-080
275-38-678	NEW-P	82-09-071
275-38-678	NEW-E	82-10-032
275-38-678	NEW	82-16-080
275-38-680	NEW-P	82-09-071
275-38-680	NEW-E	82-10-032
275-38-680	NEW	82-16-080
275-38-685	NEW-P	82-09-071
275-38-685	NEW-E	82-10-032
275-38-685	NEW	82-16-080
275-38-690	NEW-P	82-09-071
275-38-690	NEW-E	82-10-032
275-38-690	NEW	82-16-080
275-38-695	NEW-P	82-09-071
275-38-695	NEW-E	82-10-032
275-38-695	NEW	82-16-080
275-38-700	NEW-P	82-09-071
275-38-700	NEW-E	82-10-032
275-38-700	NEW	82-16-080
275-38-705	NEW-P	82-09-071
275-38-705	NEW-E	82-10-032
275-38-705	NEW	82-16-080
275-38-715	NEW-P	82-09-071
275-38-715	NEW-E	82-10-032
275-38-715	NEW	82-16-080
275-38-720	NEW-P	82-09-071
275-38-720	NEW-E	82-10-032
275-38-720	NEW	82-16-080
275-38-725	NEW-P	82-09-071
275-38-725	NEW-E	82-10-032
275-38-725	NEW	82-16-080
275-38-730	NEW-P	82-09-071
275-38-730	NEW-E	82-10-032
275-38-730	NEW	82-16-080
275-38-735	NEW-P	82-09-071
275-38-735	NEW-E	82-10-032
275-38-735	NEW	82-16-080
275-38-740	NEW-P	82-09-071
275-38-740	NEW-E	82-10-032
275-38-740	NEW	82-16-080
275-38-745	NEW-P	82-09-071
275-38-745	NEW-E	82-10-032
275-38-745	NEW	82-16-080
275-38-750	NEW-P	82-09-071
275-38-750	NEW-E	82-10-032
275-38-750	NEW	82-16-080
275-38-760	NEW-P	82-09-071
275-38-760	NEW-E	82-10-032
275-38-760	NEW	82-16-080
275-38-765	NEW-P	82-09-071
275-38-765	NEW-E	82-10-032
275-38-765	NEW	82-16-080
275-38-770	NEW-P	82-09-071
275-38-770	NEW-E	82-10-032
275-38-770	NEW	82-16-080
275-38-775	NEW-P	82-09-071
275-38-775	NEW-E	82-10-032
275-38-775	NEW	82-16-080
275-38-780	NEW-P	82-09-071
275-38-780	NEW-E	82-10-032
275-38-780	NEW	82-16-080
275-38-785	NEW-P	82-09-071
275-38-785	NEW-E	82-10-032
275-38-785	NEW	82-16-080
275-38-790	NEW-P	82-09-071
275-38-790	NEW-E	82-10-032
275-38-790	NEW	82-16-080
275-38-795	NEW-P	82-09-071
275-38-795	NEW-E	82-10-032
275-38-795	NEW	82-16-080
275-38-800	NEW-P	82-09-071
275-38-800	NEW-E	82-10-032
275-38-800	NEW	82-16-080
275-38-805	NEW-P	82-09-071
275-38-805	NEW-E	82-10-032
275-38-805	NEW	82-16-080
275-38-810	NEW-P	82-09-071
275-38-810	NEW-E	82-10-032
275-38-810	NEW	82-16-080
275-38-812	NEW-P	82-09-071
275-38-812	NEW-E	82-10-032
275-38-812	NEW	82-16-080
275-38-815	NEW-P	82-09-071
275-38-815	NEW-E	82-10-032
275-38-815	NEW	82-16-080
275-38-820	NEW-P	82-09-071
275-38-820	NEW-E	82-10-032
275-38-820	NEW	82-16-080
275-38-830	NEW-P	82-09-071
275-38-830	NEW-E	82-10-032
275-38-830	NEW	82-16-080
275-38-835	NEW-P	82-09-071
275-38-835	NEW-E	82-10-032
275-38-835	NEW	82-16-080
275-38-840	NEW-P	82-09-071
275-38-840	NEW-E	82-10-032
275-38-840	NEW	82-16-080
275-38-845	NEW-P	82-09-071
275-38-845	NEW-E	82-10-032
275-38-845	NEW	82-16-080
275-38-850	NEW-P	82-09-071
275-38-850	NEW-E	82-10-032
275-38-850	NEW	82-16-080
275-38-855	NEW-P	82-09-071
275-38-855	NEW-E	82-10-032
275-38-855	NEW-E	82-14-069
275-38-855	NEW	82-16-080
275-38-860	NEW-P	82-09-071
275-38-860	NEW-E	82-10-032
275-38-860	NEW	82-16-080
275-38-865	NEW-P	82-09-071
275-38-865	NEW-E	82-10-032
275-38-865	NEW	82-16-080
275-38-870	NEW-P	82-09-071
275-38-870	NEW-E	82-10-032
275-38-870	NEW	82-16-080
275-38-875	NEW-P	82-09-071
275-38-875	NEW-E	82-10-032
275-38-875	NEW	82-16-080
275-38-880	NEW-P	82-09-071
275-38-880	NEW-E	82-10-032
275-38-880	NEW	82-16-080
275-38-885	NEW-P	82-09-071
275-38-885	NEW-E	82-10-032
275-38-885	NEW	82-16-080
275-38-895	NEW-P	82-09-071
275-38-895	NEW-E	82-10-032
275-38-895	NEW	82-16-080
275-38-900	NEW-P	82-09-071
275-38-900	NEW-E	82-10-032
275-38-900	NEW	82-16-080
275-38-905	NEW-P	82-09-071
275-38-905	NEW-E	82-10-032
275-38-905	NEW	82-16-080
275-38-910	NEW-P	82-09-071
275-38-910	NEW-E	82-10-032
275-38-910	NEW	82-16-080
275-38-915	NEW-P	82-09-071
275-38-915	NEW-E	82-10-032
275-38-915	NEW	82-16-080
275-38-920	NEW-P	82-09-071
275-38-920	NEW-E	82-10-032
275-38-920	NEW	82-16-080
275-38-925	NEW-P	82-09-071
275-38-925	NEW-E	82-10-032
275-38-925	NEW	82-16-080
275-38-930	NEW-P	82-09-071
275-38-930	NEW-E	82-10-032
275-38-930	NEW	82-16-080
275-38-935	NEW-P	82-09-071
275-38-935	NEW-E	82-10-032
275-38-935	NEW	82-16-080
275-38-940	NEW-P	82-09-071
275-38-940	NEW-E	82-10-032
275-38-940	NEW	82-16-080
275-38-945	NEW-P	82-09-071
275-38-945	NEW-E	82-10-032
275-38-945	NEW	82-16-080
275-38-950	NEW-P	82-09-071
275-38-950	NEW-E	82-10-032
275-38-950	NEW	82-16-080
275-38-955	NEW-P	82-09-071
275-38-955	NEW-E	82-10-032
275-38-955	NEW	82-16-080
275-38-960	NEW-P	82-09-071
275-38-960	NEW-E	82-10-032
275-38-960	NEW	82-16-080
275-39-005	REP-P	82-20-048
275-39-010	REP-P	82-20-048
275-39-015	REP-P	82-20-048
275-39-020	REP-P	82-20-048
275-39-025	REP-P	82-20-048
275-39-030	REP-P	82-20-048
275-39-035	REP-P	82-20-048
275-39-040	REP-P	82-20-048
275-39-045	REP-P	82-20-048
275-39-050	REP-P	82-20-048
275-39-055	REP-P	82-20-048
275-39-056	REP-P	82-20-048
275-39-060	REP-P	82-20-048
275-39-065	REP-P	82-20-048
275-39-070	REP-P	82-20-048
275-39-075	REP-P	82-20-048
275-39-080	REP-P	82-20-048
275-39-085	REP-P	82-20-048
275-39-090	REP-P	82-20-048
275-39-100	REP-P	82-20-048
275-39-105	REP-P	82-20-048
275-39-110	REP-P	82-20-048
275-39-115	REP-P	82-20-048
275-39-120	REP-P	82-20-048
275-39-125	REP-P	82-20-048
275-39-130	REP-P	82-20-048
275-39-135	REP-P	82-20-048
275-39-140	REP-P	82-20-048
275-39-145	REP-P	82-20-048
275-39-150	REP-P	82-20-048
275-39-155	REP-P	82-20-048
275-39-160	REP-P	82-20-048
275-39-165	REP-P	82-20-048
275-39-170	REP-P	82-20-048
275-39-175	REP-P	82-20-048
275-39-180	REP-P	82-20-048
275-39-185	REP-P	82-20-048
275-39-190	REP-P	82-20-048
275-39-195	REP-P	82-20-048
275-39-200	REP-P	82-20-048
275-39-205	REP-P	82-20-048
275-39-210	REP-P	82-20-048
275-39-211	REP-P	82-20-048
275-39-215	REP-P	82-20-048
275-39-220	REP-P	82-20-048
275-39-225	REP-P	82-20-048
275-39-230	REP-P	82-20-048
275-39-235	REP-P	82-20-048
275-39-240	REP-P	82-20-048
275-39-245	REP-P	82-20-048
275-39-250	REP-P	82-20-048
275-39-255	REP-P	82-20-048
275-39-260	REP-P	82-20-048
275-39-265	REP-P	82-20-048

Table of WAC Sections Affected

WAC #		WSR #
275-39-270	REP-P	82-20-048
275-39-275	REP-P	82-20-048
275-39-280	REP-P	82-20-048
275-39-285	REP-P	82-20-048
275-39-290	REP-P	82-20-048
275-39-295	REP-P	82-20-048
275-39-300	REP-P	82-20-048
275-39-305	REP-P	82-20-048
275-39-310	REP-P	82-20-048
275-39-315	REP-P	82-20-048
275-39-320	REP-P	82-20-048
275-39-325	REP-P	82-20-048
275-39-330	REP-P	82-20-048
275-39-335	REP-P	82-20-048
275-39-340	REP-P	82-20-048
275-39-345	REP-P	82-20-048
275-39-350	REP-P	82-20-048
275-39-355	REP-P	82-20-048
275-39-360	REP-P	82-20-048
275-39-365	REP-P	82-20-048
275-39-370	REP-P	82-20-048
275-39-375	REP-P	82-20-048
275-39-380	REP-P	82-20-048
275-39-385	REP-P	82-20-048
275-39-390	REP-P	82-20-048
275-39-395	REP-P	82-20-048
275-39-400	REP-P	82-20-048
275-39-405	REP-P	82-20-048
275-39-410	REP-P	82-20-048
275-39-415	REP-P	82-20-048
275-39-420	REP-P	82-20-048
275-39-425	REP-P	82-20-048
275-39-430	REP-P	82-20-048
275-39-435	REP-P	82-20-048
275-39-440	REP-P	82-20-048
275-39-445	REP-P	82-20-048
275-39-450	REP-P	82-20-048
275-39-455	REP-P	82-20-048
275-39-460	REP-P	82-20-048
275-39-465	REP-P	82-20-048
275-39-470	REP-P	82-20-048
275-39-475	REP-P	82-20-048
275-39-480	REP-P	82-20-048
275-39-485	REP-P	82-20-048
275-39-490	REP-P	82-20-048
275-39-495	REP-P	82-20-048
275-39-500	REP-P	82-20-048
275-39-505	REP-P	82-20-048
275-39-510	REP-P	82-20-048
275-39-515	REP-P	82-20-048
275-39-520	REP-P	82-20-048
275-39-525	REP-P	82-20-048
275-39-530	REP-P	82-20-048
275-39-535	REP-P	82-20-048
275-39-545	REP-P	82-20-048
275-39-550	REP-P	82-20-048
275-39-555	REP-P	82-20-048
275-39-560	REP-P	82-20-048
275-39-565	REP-P	82-20-048
275-39-570	REP-P	82-20-048
275-39-575	REP-P	82-20-048
275-39-580	REP-P	82-20-048
275-39-585	REP-P	82-20-048
275-39-590	REP-P	82-20-048
275-39-595	REP-P	82-20-048
275-39-600	REP-P	82-20-048
275-39-605	REP-P	82-20-048
275-39-610	REP-P	82-20-048
275-39-615	REP-P	82-20-048
275-39-620	REP-P	82-20-048
275-39-625	REP-P	82-20-048
275-39-630	REP-P	82-20-048
275-39-635	REP-P	82-20-048
275-39-640	REP-P	82-20-048
275-39-645	REP-P	82-20-048
275-39-655	REP-P	82-20-048
275-39-660	REP-P	82-20-048
275-39-665	REP-P	82-20-048
275-39-670	REP-P	82-20-048
275-39-675	REP-P	82-20-048
275-40-010	REP	82-04-023
275-40-020	REP	82-04-023
275-40-030	REP	82-04-023
275-40-040	REP	82-04-023
275-40-050	REP	82-04-023
275-40-060	REP	82-04-023
275-40-070	REP	82-04-023
275-52-010	REP	82-04-023
275-52-015	REP	82-04-023
275-52-020	REP	82-04-023
275-55	AMD-C	82-05-024
275-55-010	AMD	82-07-024
275-55-020	AMD	82-07-024
275-55-021	NEW	82-07-024
275-55-030	AMD	82-07-024
275-55-040	AMD	82-07-024
275-55-041	REP	82-07-024
275-55-050	AMD	82-07-024
275-55-060	AMD	82-07-024
275-55-061	REP	82-07-024
275-55-070	REP	82-07-024
275-55-071	NEW	82-07-024
275-55-080	REP	82-07-024
275-55-081	NEW	82-07-024
275-55-090	AMD	82-07-024
275-55-100	REP	82-07-024
275-55-110	AMD	82-07-024
275-55-120	REP	82-07-024
275-55-121	NEW	82-07-024
275-55-130	REP	82-07-024
275-55-131	NEW	82-07-024
275-55-140	REP	82-07-024
275-55-141	NEW	82-07-024
275-55-150	REP	82-07-024
275-55-151	NEW	82-07-024
275-55-160	REP	82-07-024
275-55-161	NEW	82-07-024
275-55-170	REP	82-07-024
275-55-171	NEW	82-07-024
275-55-180	REP	82-07-024
275-55-181	NEW	82-07-024
275-55-190	REP	82-07-024
275-55-191	NEW	82-07-024
275-55-200	REP	82-07-024
275-55-201	NEW	82-07-024
275-55-210	REP	82-07-024
275-55-211	NEW	82-07-024
275-55-220	REP	82-07-024
275-55-230	REP	82-07-024
275-55-231	NEW	82-07-024
275-55-240	REP	82-07-024
275-55-241	NEW	82-07-024
275-55-250	REP	82-07-024
275-55-260	REP	82-07-024
275-55-261	NEW	82-07-024
275-55-263	NEW	82-07-024
275-55-270	REP	82-07-024
275-55-271	NEW	82-07-024
275-55-280	REP	82-07-024
275-55-281	NEW	82-07-024
275-55-282	REP	82-07-024
275-55-284	REP	82-07-024
275-55-286	REP	82-07-024
275-55-288	REP	82-07-024
275-55-290	REP	82-07-024
275-55-291	NEW	82-07-024
275-55-293	NEW	82-07-024
275-55-295	NEW	82-07-024
275-55-297	NEW	82-07-024
275-55-301	NEW	82-07-024
275-55-331	NEW	82-07-024
275-55-341	NEW	82-07-024
275-55-351	NEW	82-07-024
275-55-361	NEW	82-07-024
275-55-363	NEW	82-07-024
275-55-365	NEW	82-07-024
275-55-367	NEW	82-07-024
275-55-371	NEW	82-07-024
275-56-005	NEW-E	82-18-067
275-56-005	NEW-P	82-19-014
275-56-010	NEW-E	82-18-067
275-56-010	NEW-P	82-19-014
275-56-020	NEW-E	82-18-067
275-56-020	NEW-P	82-19-014
275-56-025	NEW-E	82-18-067
275-56-025	NEW-P	82-19-014
275-56-030	NEW-E	82-18-067
275-56-030	NEW-P	82-19-014
275-56-035	NEW-E	82-18-067
275-56-035	NEW-P	82-19-014
275-56-040	NEW-E	82-18-067
275-56-040	NEW-P	82-19-014
275-56-050	NEW-E	82-18-067
275-56-050	NEW-P	82-19-014
275-56-055	NEW-E	82-18-067
275-56-055	NEW-P	82-19-014
275-56-060	NEW-E	82-18-067
275-56-060	NEW-P	82-19-014
275-56-065	NEW-E	82-18-067
275-56-065	NEW-P	82-19-014
275-56-070	NEW-E	82-18-067
275-56-070	NEW-P	82-19-014
275-56-075	NEW-E	82-18-067
275-56-075	NEW-P	82-19-014
275-56-080	NEW-E	82-18-067
275-56-080	NEW-P	82-19-014
275-56-085	NEW-E	82-18-067
275-56-085	NEW-P	82-19-014
275-56-090	NEW-E	82-18-067
275-56-090	NEW-P	82-19-014
275-56-095	NEW-E	82-18-067
275-56-095	NEW-P	82-19-014
275-56-100	NEW-E	82-18-067
275-56-100	NEW-P	82-19-014
275-56-105	NEW-E	82-18-067
275-56-105	NEW-P	82-19-014
275-56-110	NEW-E	82-18-067
275-56-110	NEW-P	82-19-014
275-56-115	NEW-E	82-18-067
275-56-115	NEW-P	82-19-014
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275-56-120	NEW-P	82-19-014
275-56-125	NEW-E	82-18-067
275-56-125	NEW-P	82-19-014
275-56-130	NEW-E	82-18-067
275-56-130	NEW-P	82-19-014
275-56-135	NEW-E	82-18-067
275-56-135	NEW-P	82-19-014
275-56-140	NEW-E	82-18-067
275-56-140	NEW-P	82-19-014
275-56-145	NEW-E	82-18-067
275-56-145	NEW-P	82-19-014
275-56-150	NEW-E	82-18-067
275-56-150	NEW-P	82-19-014
275-56-155	NEW-E	82-18-067
275-56-155	NEW-P	82-19-014
275-56-160	NEW-E	82-18-067
275-56-160	NEW-P	82-19-014
275-56-165	NEW-E	82-18-067
275-56-165	NEW-P	82-19-014
275-56-170	NEW-E	82-18-067
275-56-170	NEW-P	82-19-014
275-56-175	NEW-E	82-18-067
275-56-175	NEW-P	82-19-014
275-56-180	NEW-E	82-18-067
275-56-180	NEW-P	82-19-014
275-56-185	NEW-E	82-18-067
275-56-185	NEW-P	82-19-014
275-56-190	NEW-E	82-18-067
275-56-190	NEW-P	82-19-014
275-56-195	NEW-E	82-18-067

WAC #		WSR #
275-56-195	NEW-P	82-19-014
275-56-200	NEW-E	82-18-067
275-56-200	NEW-P	82-19-014
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275-56-205	NEW-P	82-19-014
275-56-210	NEW-E	82-18-067
275-56-210	NEW-P	82-19-014
275-56-215	NEW-E	82-18-067
275-56-215	NEW-P	82-19-014
275-56-220	NEW-E	82-18-067
275-56-220	NEW-P	82-19-014
275-56-225	NEW-E	82-18-067
275-56-225	NEW-P	82-19-014
275-56-230	NEW-E	82-18-067
275-56-230	NEW-P	82-19-014
275-56-235	NEW-E	82-18-067
275-56-235	NEW-P	82-19-014
275-56-240	NEW-E	82-18-067
275-56-240	NEW-P	82-19-014
275-56-245	NEW-E	82-18-067
275-56-245	NEW-P	82-19-014
275-56-250	NEW-E	82-18-067
275-56-250	NEW-P	82-19-014
275-56-255	NEW-E	82-18-067
275-56-255	NEW-P	82-19-014
275-56-260	NEW-E	82-18-067
275-56-260	NEW-P	82-19-014
275-56-265	NEW-E	82-18-067
275-56-265	NEW-P	82-19-014
275-56-270	NEW-E	82-18-067
275-56-270	NEW-P	82-19-014
275-56-275	NEW-E	82-18-067
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275-56-280	NEW-P	82-19-014
275-56-285	NEW-E	82-18-067
275-56-285	NEW-P	82-19-014
275-56-290	NEW-E	82-18-067
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275-56-295	NEW-E	82-18-067
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275-56-300	NEW-E	82-18-067
275-56-300	NEW-P	82-19-014
275-56-305	NEW-E	82-18-067
275-56-305	NEW-P	82-19-014
275-56-310	NEW-E	82-18-067
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275-56-315	NEW-E	82-18-067
275-56-315	NEW-P	82-19-014
275-56-320	NEW-E	82-18-067
275-56-320	NEW-P	82-19-014
275-56-325	NEW-E	82-18-067
275-56-325	NEW-P	82-19-014
275-56-330	NEW-E	82-18-067
275-56-330	NEW-P	82-19-014
275-56-335	NEW-E	82-18-067
275-56-335	NEW-P	82-19-014
275-56-340	NEW-E	82-18-067
275-56-340	NEW-P	82-19-014
275-56-345	NEW-E	82-18-067
275-56-345	NEW-P	82-19-014
275-56-350	NEW-E	82-18-067
275-56-350	NEW-P	82-19-014
275-56-355	NEW-E	82-18-067
275-56-355	NEW-P	82-19-014
275-56-360	NEW-E	82-18-067
275-56-360	NEW-P	82-19-014
275-56-365	NEW-E	82-18-067
275-56-365	NEW-P	82-19-014
275-56-370	NEW-E	82-18-067
275-56-370	NEW-P	82-19-014
275-56-375	NEW-E	82-18-067
275-56-375	NEW-P	82-19-014
275-56-380	NEW-E	82-18-067
275-56-380	NEW-P	82-19-014
275-56-385	NEW-E	82-18-067
275-56-385	NEW-P	82-19-014
275-56-390	NEW-E	82-18-067
275-56-390	NEW-P	82-19-014
275-56-395	NEW-E	82-18-067
275-56-395	NEW-P	82-19-014
275-56-400	NEW-E	82-18-067
275-56-400	NEW-P	82-19-014
275-56-405	NEW-E	82-18-067
275-56-405	NEW-P	82-19-014
275-56-410	NEW-E	82-18-067
275-56-410	NEW-P	82-19-014
275-56-415	NEW-E	82-18-067
275-56-415	NEW-P	82-19-014
275-56-420	NEW-E	82-18-067
275-56-420	NEW-P	82-19-014
275-56-425	NEW-E	82-18-067
275-56-425	NEW-P	82-19-014
275-56-430	NEW-E	82-18-067
275-56-430	NEW-P	82-19-014
275-56-435	NEW-E	82-18-067
275-56-435	NEW-P	82-19-014
275-56-440	NEW-E	82-18-067
275-56-440	NEW-P	82-19-014
275-56-445	NEW-E	82-18-067
275-56-445	NEW-P	82-19-014
275-56-450	NEW-E	82-18-067
275-56-450	NEW-P	82-19-014
275-56-455	NEW-E	82-18-067
275-56-455	NEW-P	82-19-014
275-56-460	NEW-E	82-18-067
275-56-460	NEW-P	82-19-014
275-56-465	NEW-E	82-18-067
275-56-465	NEW-P	82-19-014
275-56-470	NEW-E	82-18-067
275-56-470	NEW-P	82-19-014
275-56-475	NEW-E	82-18-067
275-56-475	NEW-P	82-19-014
275-56-480	NEW-E	82-18-067
275-56-480	NEW-P	82-19-014
275-56-485	NEW-E	82-18-067
275-56-485	NEW-P	82-19-014
275-56-490	NEW-E	82-18-067
275-56-490	NEW-P	82-19-014
275-56-495	NEW-E	82-18-067
275-56-495	NEW-P	82-19-014
275-56-500	NEW-E	82-18-067
275-56-500	NEW-P	82-19-014
275-56-505	NEW-E	82-18-067
275-56-505	NEW-P	82-19-014
275-56-510	NEW-E	82-18-067
275-56-510	NEW-P	82-19-014
275-56-515	NEW-E	82-18-067
275-56-515	NEW-P	82-19-014
275-56-520	NEW-E	82-18-067
275-56-520	NEW-P	82-19-014
275-56-525	NEW-E	82-18-067
275-56-525	NEW-P	82-19-014
275-56-530	NEW-E	82-18-067
275-56-530	NEW-P	82-19-014
275-56-535	NEW-E	82-18-067
275-56-535	NEW-P	82-19-014
275-56-540	NEW-E	82-18-067
275-56-540	NEW-P	82-19-014
275-56-545	NEW-E	82-18-067
275-56-545	NEW-P	82-19-014
275-56-550	NEW-E	82-18-067
275-56-550	NEW-P	82-19-014
275-56-555	NEW-E	82-18-067
275-56-555	NEW-P	82-19-014
275-56-560	NEW-E	82-18-067
275-56-560	NEW-P	82-19-014
275-56-565	NEW-E	82-18-067
275-56-565	NEW-P	82-19-014
275-56-570	NEW-E	82-18-067
275-56-570	NEW-P	82-19-014
275-56-575	NEW-E	82-18-067
275-56-575	NEW-P	82-19-014
275-56-580	NEW-E	82-18-067
275-56-580	NEW-P	82-19-014
275-56-585	NEW-E	82-18-067
275-56-585	NEW-P	82-19-014
275-56-590	NEW-E	82-18-067
275-56-590	NEW-P	82-19-014
275-56-595	NEW-E	82-18-067
275-56-595	NEW-P	82-19-014
275-56-600	NEW-E	82-18-067
275-56-600	NEW-P	82-19-014
275-56-605	NEW-E	82-18-067
275-56-605	NEW-P	82-19-014
275-56-610	NEW-E	82-18-067
275-56-610	NEW-P	82-19-014
275-56-615	NEW-E	82-18-067
275-56-615	NEW-P	82-19-014
275-56-620	NEW-E	82-18-067
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275-56-625	NEW-E	82-18-067
275-56-625	NEW-P	82-19-014
275-56-630	NEW-E	82-18-067
275-56-630	NEW-P	82-19-014
275-56-635	NEW-E	82-18-067
275-56-635	NEW-P	82-19-014
275-56-640	NEW-E	82-18-067
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275-56-645	NEW-E	82-18-067
275-56-645	NEW-P	82-19-014
275-56-650	NEW-E	82-18-067
275-56-650	NEW-P	82-19-014
275-56-655	NEW-E	82-18-067
275-56-655	NEW-P	82-19-014
275-56-660	NEW-E	82-18-067
275-56-660	NEW-P	82-19-014
275-56-665	NEW-E	82-18-067
275-56-665	NEW-P	82-19-014
275-56-670	NEW-E	82-18-067
275-56-670	NEW-P	82-19-014
275-56-675	NEW-E	82-18-067
275-56-675	NEW-P	82-19-014
275-56-680	NEW-E	82-18-067
275-56-680	NEW-P	82-19-014
275-56-685	NEW-E	82-18-067
275-56-685	NEW-P	82-19-014
275-56-690	NEW-E	82-18-067
275-56-690	NEW-P	82-19-014
275-56-695	NEW-E	82-18-067
275-56-695	NEW-P	82-19-014
275-56-700	NEW-E	82-18-067
275-56-700	NEW-P	82-19-014
275-56-705	NEW-E	82-18-067
275-56-705	NEW-P	82-19-014
275-56-710	NEW-E	82-18-067
275-56-710	NEW-P	82-19-014
275-56-715	NEW-E	82-18-067
275-56-715	NEW-P	82-19-014
275-56-720	NEW-E	82-18-067
275-56-720	NEW-P	82-19-014
275-56-725	NEW-E	82-18-067
275-56-725	NEW-P	82-19-014
275-56-730	NEW-E	82-18-067
275-56-730	NEW-P	82-19-014
275-56-735	NEW-E	82-18-067
275-56-735	NEW-P	82-19-014
275-56-740	NEW-E	82-18-067
275-56-740	NEW-P	82-19-014
275-56-745	NEW-E	82-18-067
275-56-745	NEW-P	82-19-014
275-92-310	REP-P	82-04-059
275-92-310	REP	82-08-055
275-92-315	REP-P	82-04-059
275-92-315	REP	82-08-055
275-92-320	REP-P	82-04-059
275-92-320	REP	82-08-055
275-92-325	REP-P	82-04-059
275-92-325	REP	82-08-055
275-92-330	REP-P	82-04-059
275-92-330	REP	82-08-055

Table of WAC Sections Affected

WAC #		WSR #
275-92-335	REP-P	82-04-059
275-92-335	REP	82-08-055
275-92-340	REP-P	82-04-059
275-92-340	REP	82-08-055
275-92-345	REP-P	82-04-059
275-92-345	REP	82-08-055
275-92-350	REP-P	82-04-059
275-92-350	REP	82-08-055
275-92-355	REP-P	82-04-059
275-92-355	REP	82-08-055
275-92-400	REP-P	82-04-059
275-92-400	REP	82-08-055
275-92-405	REP-P	82-04-059
275-92-405	REP	82-08-055
275-92-410	REP-P	82-04-059
275-92-410	REP	82-08-055
275-92-415	REP-P	82-04-059
275-92-415	REP	82-08-055
275-92-510	REP-P	82-04-059
275-92-510	REP	82-08-055
275-92-515	REP-P	82-04-059
275-92-515	REP	82-08-055
275-92-520	REP-P	82-04-059
275-92-520	REP	82-08-055
275-92-525	REP-P	82-04-059
275-92-525	REP	82-08-055
275-92-530	REP-P	82-04-059
275-92-530	REP	82-08-055
275-92-535	REP-P	82-04-059
275-92-535	REP	82-08-055
275-92-540	REP-P	82-04-059
275-92-540	REP	82-08-055
275-92-545	REP-P	82-04-059
275-92-545	REP	82-08-055
275-92-550	REP-P	82-04-059
275-92-550	REP	82-08-055
275-92-555	REP-P	82-04-059
275-92-555	REP	82-08-055
275-92-560	REP-P	82-04-059
275-92-560	REP	82-08-055
275-92-565	REP-P	82-04-059
275-92-565	REP	82-08-055
275-93-005	REP-P	82-03-015
275-93-005	REP-E	82-03-016
275-93-005	REP	82-07-006
275-93-010	REP-P	82-03-015
275-93-010	REP-E	82-03-016
275-93-010	REP	82-07-006
275-93-020	REP-P	82-03-015
275-93-020	REP-E	82-03-016
275-93-020	REP	82-07-006
275-93-040	REP-P	82-03-015
275-93-040	REP-E	82-03-016
275-93-040	REP	82-07-006
275-93-050	REP-P	82-03-015
275-93-050	REP-E	82-03-016
275-93-050	REP	82-07-006
275-93-060	REP-P	82-03-015
275-93-060	REP-E	82-03-016
275-93-060	REP	82-07-006
275-93-070	REP-P	82-03-015
275-93-070	REP-E	82-03-016
275-93-070	REP	82-07-006
275-93-080	REP-P	82-03-015
275-93-080	REP-E	82-03-016
275-93-080	REP	82-07-006
275-93-090	REP-P	82-03-015
275-93-090	REP-E	82-03-016
275-93-090	REP	82-07-006
275-93-100	REP-P	82-03-015
275-93-100	REP-E	82-03-016
275-93-100	REP	82-07-006
275-93-110	REP-P	82-03-015
275-93-110	REP-E	82-03-016
275-93-110	REP	82-07-006
275-93-120	REP-P	82-03-015
275-93-120	REP-E	82-03-016
275-93-120	REP	82-07-006
275-93-130	REP-P	82-03-015
275-93-130	REP-E	82-03-016
275-93-130	REP	82-07-006
275-93-140	REP-P	82-03-015
275-93-140	REP-E	82-03-016
275-93-140	REP	82-07-006
284-14-010	NEW-P	82-18-054
284-14-010	NEW	82-20-090
284-14-020	NEW-P	82-18-054
284-14-020	NEW	82-20-090
284-17-100	REP-P	82-07-056
284-17-100	REP	82-10-016
284-17-110	REP-P	82-07-056
284-17-110	REP	82-10-016
284-17-120	NEW-P	82-07-056
284-17-120	NEW	82-10-016
284-17-210	AMD-P	82-07-056
284-17-210	AMD	82-10-016
284-17-310	AMD-P	82-07-056
284-17-310	AMD	82-10-016
284-24-010	REP-P	82-02-059
284-24-010	REP	82-06-036
284-24-015	NEW-P	82-02-059
284-24-015	NEW	82-06-036
284-24-020	REP-P	82-02-059
284-24-020	REP	82-06-036
284-24-030	REP-P	82-02-059
284-24-030	REP	82-06-036
284-24-035	REP-P	82-02-059
284-24-035	REP	82-06-036
284-24-040	REP-P	82-02-059
284-24-040	REP	82-06-036
284-24-050	REP-P	82-02-059
284-24-050	REP	82-06-036
284-24-060	NEW-P	82-02-059
284-24-060	NEW	82-06-036
284-24-070	NEW-P	82-02-059
284-24-070	NEW	82-06-036
284-24-080	NEW-P	82-02-059
284-24-080	NEW	82-06-036
284-44-180	REP-P	82-09-030
284-44-180	REP	82-12-032
284-44-250	NEW-P	82-19-097
284-44-300	NEW-P	82-19-097
284-44-310	NEW-P	82-19-097
284-44-320	NEW-P	82-19-097
284-44-330	NEW-P	82-19-097
284-44-340	NEW-P	82-19-097
284-44-350	NEW-P	82-19-097
284-44-360	NEW-P	82-19-097
284-50-380	AMD-P	82-09-030
284-50-380	AMD	82-12-032
284-55-010	AMD-P	82-09-030
284-55-010	AMD	82-12-032
284-55-035	NEW-P	82-09-030
284-55-035	NEW	82-12-032
284-55-040	AMD-P	82-09-030
284-55-040	AMD	82-12-032
284-55-045	NEW-P	82-09-030
284-55-045	NEW	82-12-032
284-55-065	NEW-P	82-09-030
284-55-065	NEW	82-12-032
284-55-067	NEW-P	82-09-030
284-55-067	NEW	82-12-032
284-55-110	AMD-P	82-09-030
284-55-110	AMD	82-12-032
284-58-010	NEW-P	82-19-098
284-58-020	NEW-P	82-19-098
284-58-030	NEW-P	82-19-098
284-58-040	NEW-P	82-19-098
284-58-050	NEW-P	82-19-098
284-58-060	NEW-P	82-19-098
284-58-070	NEW-P	82-19-098
284-58-080	NEW-P	82-19-098
284-58-090	NEW-P	82-19-098
284-58-100	NEW-P	82-19-098
284-58-110	NEW-P	82-19-098
284-58-120	NEW-P	82-19-098
284-58-130	NEW-P	82-19-098
284-58-140	NEW-P	82-19-098
284-58-150	NEW-P	82-19-098
284-58-160	NEW-P	82-19-098
284-58-170	NEW-P	82-19-098
284-58-180	NEW-P	82-19-098
284-58-190	NEW-P	82-19-098
284-58-200	NEW-P	82-19-098
284-58-210	NEW-P	82-19-098
284-58-220	NEW-P	82-19-098
284-58-250	NEW-P	82-19-098
284-58-260	NEW-P	82-19-098
284-58-270	NEW-P	82-19-098
284-58-280	NEW-P	82-19-098
286-04-010	AMD-P	82-19-074
286-04-020	AMD-P	82-19-074
286-04-030	AMD-P	82-19-074
286-04-060	AMD-P	82-19-074
286-04-070	AMD-P	82-19-074
286-04-080	AMD-P	82-19-074
286-06-010	AMD-P	82-19-074
286-06-020	REP-P	82-19-074
286-06-040	AMD-P	82-19-074
286-06-050	AMD-P	82-19-074
286-06-060	AMD-P	82-19-074
286-06-110	AMD-P	82-19-074
286-16-035	AMD-P	82-19-074
286-16-060	AMD-P	82-19-074
286-16-080	AMD-P	82-19-074
286-20-020	AMD-P	82-19-074
286-24-020	AMD-P	82-19-074
286-24-040	AMD-P	82-19-074
286-24-050	AMD-P	82-19-074
286-24-070	AMD-P	82-19-074
286-26-010	AMD-P	82-19-074
286-26-020	AMD-P	82-19-074
286-26-040	AMD-P	82-19-074
286-26-055	NEW-P	82-19-074
286-26-060	AMD-P	82-19-074
286-26-070	AMD-P	82-19-074
289-12-030	AMD-E	82-05-042
289-12-030	AMD-P	82-05-046
289-12-030	AMD	82-08-051
289-12-030	AMD-P	82-16-092
289-12-030	AMD	82-20-094
289-12-035	NEW-E	82-08-052
289-12-035	NEW-P	82-08-068
289-12-035	NEW	82-11-069
289-13-070	AMD-E	82-08-053
289-13-070	AMD-P	82-08-069
289-13-070	AMD	82-11-071
289-13-240	NEW-P	82-20-095
289-15-225	NEW-P	82-05-045
289-15-225	NEW-C	82-08-067
289-15-225	NEW	82-11-070
289-20-205	AMD	82-04-088
289-20-210	AMD	82-04-088
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296-04-500	NEW	82-22-042
296-04-501	NEW-P	82-18-048
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296-04-502	NEW	82-22-042
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296-04-504	NEW	82-22-042
296-04-505	NEW-P	82-18-048
296-04-505	NEW	82-22-042
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296-15-02604	NEW-P	82-22-057
296-15-02605	NEW-P	82-22-057
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296-24-95601	NEW-P	82-02-065
296-24-95601	NEW	82-08-026
296-24-95603	NEW-P	82-02-065
296-24-95603	NEW	82-08-026
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296-48-610	REP-P	82-05-006
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296-48-625	REP-P	82-05-006
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296-48-630	REP-P	82-05-006
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296-48-635	REP-P	82-05-006
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296-48-735	REP-P	82-05-006
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296-48-740	REP-P	82-05-006
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296-48-760	REP	82-09-053
296-48-761	REP-P	82-05-006
296-48-761	REP	82-09-053
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296-48-770	REP-P	82-05-006
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296-48-780	REP-P	82-05-006
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296-48A-410	REP	82-09-053
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296-48A-610	REP-P	82-05-006
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296-48A-700	REP	82-09-053
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296-48A-755	REP-P	82-05-006
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296-48B-075	REP	82-04-060
296-48B-080	REP	82-04-060
296-48B-085	REP	82-04-060
296-48B-090	REP	82-04-060
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296-48B-100	REP	82-04-060
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296-48B-115	REP	82-04-060
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296-127-011	NEW-P	82-14-027
296-127-011	NEW-E	82-14-028
296-127-011	NEW	82-18-041
296-127-017	NEW-P	82-14-027
296-127-017	NEW-E	82-14-028
296-127-017	NEW	82-18-041
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296-127-021	NEW	82-18-041
296-127-030	NEW-P	82-14-027
296-127-030	NEW-E	82-14-028
296-127-030	NEW	82-18-041
296-127-040	NEW-P	82-14-027
296-127-040	NEW-E	82-14-028
296-127-040	NEW	82-18-041
296-127-045	NEW-P	82-14-027
296-127-045	NEW-E	82-14-028
296-127-045	NEW	82-18-041
296-127-060	NEW-P	82-14-027
296-127-060	NEW-E	82-14-028
296-127-060	NEW	82-18-041
296-127-061	NEW-P	82-14-027
296-127-061	NEW-E	82-14-028
296-127-061	NEW	82-18-041
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296-150A-011	NEW	82-12-004
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296-150A-020	REP	82-12-004
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296-150A-021	NEW	82-12-004
296-150A-024	NEW-P	82-05-007
296-150A-024	NEW	82-12-004
296-150A-025	REP-P	82-05-007
296-150A-025	REP	82-12-004
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296-150A-027	REP	82-12-004
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296-150A-030	NEW	82-12-004
296-150A-035	NEW-P	82-05-007
296-150A-035	NEW	82-12-004
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296-150A-040	NEW	82-12-004
296-150A-045	NEW-P	82-05-007
296-150A-045	NEW	82-12-004
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296-150A-100	NEW	82-12-004
296-150A-105	NEW-P	82-05-007
296-150A-105	NEW	82-12-004
296-150A-110	NEW-P	82-05-007
296-150A-110	NEW	82-12-004
296-150A-115	NEW-P	82-05-007
296-150A-115	NEW	82-12-004
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296-150A-125	NEW	82-12-004
296-150A-130	NEW-P	82-05-007
296-150A-130	NEW	82-12-004
296-150A-135	NEW-P	82-05-007
296-150A-135	NEW	82-12-004
296-150A-140	NEW-P	82-05-007
296-150A-140	NEW	82-12-004
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296-150A-145	NEW	82-12-004
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296-150A-330	REP	82-12-004
296-150A-333	REP-P	82-05-007
296-150A-333	REP	82-12-004
296-150A-335	REP-P	82-05-007
296-150A-335	REP	82-12-004
296-150A-400	REP-P	82-05-007
296-150A-400	REP	82-12-004
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296-150A-405	REP	82-12-004
296-150A-410	REP-P	82-05-007
296-150A-410	REP	82-12-004
296-150A-415	REP-P	82-05-007
296-150A-415	REP	82-12-004
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296-150A-417	REP	82-12-004
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296-150A-420	REP	82-12-004
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296-150A-423	REP	82-12-004
296-150A-424	REP-P	82-05-007
296-150A-424	REP	82-12-004
296-150A-425	REP-P	82-05-007
296-150A-425	REP	82-12-004
296-150A-430	REP-P	82-05-007
296-150A-430	REP	82-12-004
296-150A-435	REP-P	82-05-007
296-150A-435	REP	82-12-004
296-150A-440	REP-P	82-05-007
296-150A-440	REP	82-12-004
296-150A-445	REP-P	82-05-007
296-150A-445	REP	82-12-004
296-150A-450	REP-P	82-05-007
296-150A-450	REP	82-12-004
296-150A-500	REP-P	82-05-007
296-150A-500	REP	82-12-004
296-150A-505	REP-P	82-05-007
296-150A-505	REP	82-12-004
296-150A-506	REP-P	82-05-007
296-150A-506	REP	82-12-004
296-150A-510	REP-P	82-05-007
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296-150A-550	REP-P	82-05-007
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296-150A-555	REP	82-12-004

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296-150A-565	REP	82-12-004
296-150A-570	REP-P	82-05-007
296-150A-570	REP	82-12-004
296-150A-575	REP-P	82-05-007
296-150A-575	REP	82-12-004
296-150A-580	REP-P	82-05-007
296-150A-580	REP	82-12-004
296-150A-585	REP-P	82-05-007
296-150A-585	REP	82-12-004
296-150A-590	REP-P	82-05-007
296-150A-590	REP	82-12-004
296-150A-595	REP-P	82-05-007
296-150A-595	REP	82-12-004
296-150A-600	REP-P	82-05-007
296-150A-600	REP	82-12-004
296-150A-605	REP-P	82-05-007
296-150A-605	REP	82-12-004
296-150A-606	REP-P	82-05-007
296-150A-606	REP	82-12-004
296-150A-610	REP-P	82-05-007
296-150A-610	REP	82-12-004
296-150A-615	REP-P	82-05-007
296-150A-615	REP	82-12-004
296-150A-620	REP-P	82-05-007
296-150A-620	REP	82-12-004
296-150A-625	REP-P	82-05-007
296-150A-625	REP	82-12-004
296-150A-630	REP-P	82-05-007
296-150A-630	REP	82-12-004
296-150A-640	REP-P	82-05-007
296-150A-640	REP	82-12-004
296-150A-650	REP-P	82-05-007
296-150A-650	REP	82-12-004
296-150A-675	REP-P	82-05-007
296-150A-675	REP	82-12-004
296-150A-680	REP-P	82-05-007
296-150A-680	REP	82-12-004
296-150A-685	REP-P	82-05-007
296-150A-685	REP	82-12-004
296-150A-690	REP-P	82-05-007
296-150A-690	REP	82-12-004
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296-150A-700	REP-P	82-05-007
296-150A-700	AMD-E	82-09-031
296-150A-700	REP	82-12-004
296-150A-710	REP-P	82-05-007
296-150A-710	REP	82-12-004
296-150A-950	NEW-P	82-05-007
296-150A-950	NEW	82-12-004
296-150A-990	NEW-P	82-05-007
296-150A-990	NEW-P	82-08-002
296-150A-990	NEW	82-12-004
296-150A-990	AMD	82-12-040
296-150B	NEW-C	82-02-052
296-150B-005	NEW-P	82-05-006
296-150B-005	NEW	82-09-053
296-150B-010	NEW-P	82-05-006
296-150B-010	NEW	82-09-053
296-150B-015	NEW-P	82-05-006
296-150B-015	NEW	82-09-053
296-150B-020	NEW-P	82-05-006
296-150B-020	NEW	82-09-053
296-150B-025	NEW-P	82-05-006
296-150B-025	NEW	82-09-053
296-150B-030	NEW-P	82-05-006
296-150B-030	NEW	82-09-053
296-150B-035	NEW-P	82-05-006
296-150B-035	NEW	82-09-053
296-150B-040	NEW-P	82-05-006
296-150B-040	NEW	82-09-053
296-150B-045	NEW-P	82-05-006
296-150B-045	NEW	82-09-053
296-150B-050	NEW-P	82-05-006
296-150B-050	NEW	82-09-053
296-150B-055	NEW-P	82-05-006
296-150B-055	NEW	82-09-053
296-150B-060	NEW-P	82-05-006
296-150B-060	NEW	82-09-053
296-150B-065	NEW-P	82-05-006
296-150B-065	NEW	82-09-053
296-150B-070	NEW-P	82-05-006
296-150B-070	NEW	82-09-053
296-150B-075	NEW-P	82-05-006
296-150B-075	NEW	82-09-053
296-150B-080	NEW-P	82-05-006
296-150B-080	NEW	82-09-053
296-150B-085	NEW-P	82-05-006
296-150B-085	NEW	82-09-053
296-150B-090	NEW-P	82-05-006
296-150B-090	NEW	82-09-053
296-150B-095	NEW-P	82-05-006
296-150B-095	NEW	82-09-053
296-150B-100	NEW-P	82-05-006
296-150B-100	NEW	82-09-053
296-150B-105	NEW-P	82-05-006
296-150B-105	NEW	82-09-053
296-150B-110	NEW-P	82-05-006
296-150B-110	NEW	82-09-053
296-150B-115	NEW-P	82-05-006
296-150B-115	NEW	82-09-053
296-150B-120	NEW-P	82-05-006
296-150B-120	NEW	82-09-053
296-150B-125	NEW-P	82-05-006
296-150B-125	NEW	82-09-053
296-150B-130	NEW-P	82-05-006
296-150B-130	NEW	82-09-053
296-150B-135	NEW-P	82-05-006
296-150B-135	NEW	82-09-053
296-150B-140	NEW-P	82-05-006
296-150B-140	NEW	82-09-053
296-150B-145	NEW-P	82-05-006
296-150B-145	NEW	82-09-053
296-150B-150	NEW-P	82-05-006
296-150B-150	NEW	82-09-053
296-150B-155	NEW-P	82-05-006
296-150B-155	NEW	82-09-053
296-150B-160	NEW-P	82-05-006
296-150B-160	NEW	82-09-053
296-150B-165	NEW-P	82-05-006
296-150B-165	NEW	82-09-053
296-150B-170	NEW-P	82-05-006
296-150B-175	NEW-P	82-05-006
296-150B-175	NEW	82-09-053
296-150B-180	NEW-P	82-05-006
296-150B-180	NEW	82-09-053
296-150B-200	NEW-P	82-05-006
296-150B-200	NEW-P	82-06-021
296-150B-200	NEW	82-09-059
296-150B-200	AMD-P	82-20-080
296-150B-205	NEW-P	82-06-021
296-150B-205	NEW	82-09-059
296-150B-205	AMD-P	82-20-080
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296-150B-210	NEW	82-09-059
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296-150B-230	NEW	82-09-059
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296-150B-235	NEW	82-09-059
296-150B-235	AMD-P	82-20-080
296-150B-240	NEW-P	82-06-021
296-150B-240	NEW	82-09-059
296-150B-245	NEW-P	82-06-021
296-150B-245	NEW	82-09-059
296-150B-245	AMD-P	82-20-080
296-150B-250	NEW-P	82-06-021
296-150B-250	NEW	82-09-059
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296-150B-310	NEW	82-04-060
296-150B-315	NEW	82-04-060
296-150B-400	NEW	82-04-060
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296-150B-433	NEW	82-04-060
296-150B-437	NEW	82-04-060
296-150B-440	NEW	82-04-060
296-150B-443	NEW	82-04-060
296-150B-447	NEW	82-04-060
296-150B-450	NEW	82-04-060
296-150B-453	NEW	82-04-060
296-150B-457	NEW	82-04-060
296-150B-460	NEW	82-04-060
296-150B-463	NEW	82-04-060
296-150B-467	NEW	82-04-060
296-150B-470	NEW	82-04-060
296-150B-473	NEW	82-04-060
296-150B-477	NEW	82-04-060
296-150B-480	NEW	82-04-060
296-150B-483	NEW	82-04-060
296-150B-487	NEW	82-04-060
296-150B-490	NEW	82-04-060
296-150B-497	NEW	82-04-060
296-150B-500	NEW	82-04-060
296-150B-503	NEW	82-04-060
296-150B-507	NEW	82-04-060
296-150B-510	NEW	82-04-060
296-150B-513	NEW	82-04-060
296-150B-517	NEW	82-04-060
296-150B-520	NEW	82-04-060
296-150B-523	NEW	82-04-060
296-150B-527	NEW	82-04-060
296-150B-530	NEW	82-04-060
296-150B-533	NEW	82-04-060
296-150B-537	NEW	82-04-060
296-150B-540	NEW	82-04-060
296-150B-543	NEW	82-04-060
296-150B-547	NEW	82-04-060
296-150B-550	NEW	82-04-060
296-150B-553	NEW	82-04-060
296-150B-557	NEW	82-04-060
296-150B-560	NEW	82-04-060
296-150B-563	NEW	82-04-060
296-150B-567	NEW	82-04-060
296-150B-570	NEW	82-04-060
296-150B-573	NEW	82-04-060
296-150B-577	NEW	82-04-060
296-150B-580	NEW	82-04-060
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296-150B-587	NEW	82-04-060
296-150B-590	NEW	82-04-060
296-150B-593	NEW	82-04-060
296-150B-597	NEW	82-04-060
296-150B-600	NEW	82-04-060
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296-150B-607	NEW	82-04-060
296-150B-610	NEW	82-04-060

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296-150B-623	NEW	82-04-060
296-150B-627	NEW	82-04-060
296-150B-630	NEW	82-04-060
296-150B-633	NEW	82-04-060
296-150B-637	NEW	82-04-060
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296-150B-643	NEW	82-04-060
296-150B-647	NEW	82-04-060
296-150B-650	NEW	82-04-060
296-150B-653	NEW	82-04-060
296-150B-657	NEW	82-04-060
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296-150B-670	NEW	82-04-060
296-150B-673	NEW	82-04-060
296-150B-677	NEW	82-04-060
296-150B-680	NEW	82-04-060
296-150B-683	NEW	82-04-060
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296-150B-690	NEW	82-04-060
296-150B-693	NEW	82-04-060
296-150B-697	NEW	82-04-060
296-150B-700	NEW	82-04-060
296-150B-703	NEW	82-04-060
296-150B-707	NEW	82-04-060
296-150B-710	NEW	82-04-060
296-150B-713	NEW	82-04-060
296-150B-717	NEW	82-04-060
296-150B-720	NEW	82-04-060
296-150B-723	NEW	82-04-060
296-150B-727	NEW	82-04-060
296-150B-730	NEW	82-04-060
296-150B-733	NEW	82-04-060
296-150B-737	NEW	82-04-060
296-150B-740	NEW	82-04-060
296-150B-743	NEW	82-04-060
296-150B-747	NEW	82-04-060
296-150B-750	NEW	82-04-060
296-150B-753	NEW	82-04-060
296-150B-757	NEW	82-04-060
296-150B-760	NEW	82-04-060
296-150B-763	NEW	82-04-060
296-150B-767	NEW	82-04-060
296-150B-770	NEW	82-04-060
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296-150B-990	NEW-P	82-05-006
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296-150B-990	NEW	82-09-053
296-150B-990	AMD	82-12-040
296-150B-990	AMD-P	82-20-080
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296-155-48502	REP	82-08-026
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296-155-66501	AMD	82-13-045
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296-200-050	AMD	82-18-026
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296-200-100	AMD-P	82-20-012
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296-200-900	AMD	82-18-026
296-306-200	AMD-P	82-02-065
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296-306-200	AMD	82-08-026
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296-306-200	AMD-E	82-19-044
296-350-080	AMD-P	82-08-004
296-350-080	AMD	82-13-045
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296-350-095	NEW	82-13-045
296-350-35055	AMD-P	82-08-004
296-350-35055	AMD	82-13-045
296-350-400	AMD-P	82-08-004
296-350-400	AMD	82-13-045
296-360-030	AMD-P	82-08-004
296-360-030	AMD	82-13-045
296-401-010	AMD-P	82-08-003
296-401-010	AMD-C	82-11-057
296-401-010	AMD	82-18-036
296-401-070	AMD-P	82-21-059
296-401-080	AMD-P	82-21-059
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308-11-001	NEW-P	82-20-098
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308-16-450	NEW	82-08-064
308-16-460	NEW-P	82-05-049
308-16-460	NEW	82-08-064
308-16-470	NEW-P	82-05-049
308-16-470	NEW	82-08-064
308-24-300	AMD-P	82-17-059
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308-24-310	REP	82-21-036
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308-24-320	AMD	82-21-036
308-24-330	AMD-P	82-17-059
308-24-330	AMD	82-21-036
308-24-340	AMD-P	82-17-059
308-24-340	AMD	82-21-036
308-24-345	NEW-P	82-17-059
308-24-345	NEW	82-21-036
308-24-370	AMD-P	82-17-059
308-24-370	AMD	82-21-036
308-24-384	AMD-P	82-17-059
308-24-384	AMD	82-21-036
308-24-395	NEW-P	82-17-059
308-24-395	NEW	82-21-036
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308-24-510	NEW	82-08-063
308-24-520	NEW-P	82-05-048
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308-24-530	NEW-P	82-05-048
308-24-530	NEW	82-08-063
308-24-540	NEW-P	82-05-048
308-24-540	NEW	82-08-063
308-25-010	NEW-P	82-02-093
308-25-010	NEW	82-06-043
308-25-010	AMD-P	82-08-077
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308-25-030	NEW	82-06-043
308-25-030	AMD-P	82-08-077
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308-25-040	NEW-P	82-02-093
308-25-040	NEW	82-06-043
308-25-040	AMD-P	82-08-077
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308-25-050	NEW	82-06-043
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308-25-060	NEW	82-06-043
308-25-070	NEW-P	82-02-093
308-25-070	NEW	82-06-043
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308-34-010	NEW	82-09-043
308-34-020	NEW-P	82-05-052
308-34-020	NEW	82-09-043
308-34-030	NEW-P	82-05-052
308-34-030	NEW	82-09-043
308-34-040	NEW-P	82-05-052
308-34-040	NEW	82-09-043
308-34-050	NEW-P	82-05-052
308-34-050	NEW	82-09-043
308-34-060	NEW-P	82-05-052
308-34-060	NEW	82-09-043
308-34-070	NEW-P	82-05-052
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308-36-020	REP	82-07-094
308-36-030	REP-P	82-04-008
308-36-030	REP	82-07-094
308-36-040	REP-P	82-04-008
308-36-040	REP	82-07-094
308-36-050	REP-P	82-04-008
308-36-050	REP	82-07-094
308-36-060	REP-P	82-04-008
308-36-060	REP	82-07-094
308-36-065	REP-P	82-04-008
308-36-065	REP	82-07-094
308-36-070	REP-P	82-04-008
308-36-070	REP	82-07-094
308-36-080	REP-P	82-04-008
308-36-080	REP	82-07-094
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308-37-130	AMD-P	82-22-005
308-37-135	NEW-P	82-22-005
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308-39-110	AMD	82-16-087
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308-53-085	NEW	82-12-077
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308-61-120	AMD-P	82-09-079
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315-02-150	NEW-P	82-18-075
315-02-150	NEW	82-21-038
315-02-160	NEW-E	82-17-053
315-02-160	NEW-P	82-18-075
315-02-160	NEW	82-21-038
315-02-170	NEW-E	82-17-053
315-02-170	NEW-P	82-18-075
315-02-170	NEW	82-21-038
315-02-180	NEW-E	82-17-053
315-02-180	NEW-P	82-18-075
315-02-180	NEW	82-21-038
315-02-190	NEW-E	82-17-053
315-02-190	NEW-P	82-18-075
315-02-190	NEW	82-21-038
315-02-200	NEW-E	82-17-053
315-02-200	NEW-P	82-18-075
315-02-200	NEW	82-21-038
315-02-210	NEW-E	82-17-053
315-02-210	NEW-P	82-18-075
315-02-210	NEW	82-21-038
315-02-220	NEW-E	82-17-053
315-02-220	NEW-P	82-18-075
315-02-220	NEW	82-21-038
315-04-010	NEW-E	82-17-053
315-04-010	NEW-P	82-18-076
315-04-010	NEW	82-21-039
315-04-020	NEW-E	82-17-053
315-04-020	NEW-P	82-18-076
315-04-020	NEW	82-21-039
315-04-030	NEW-E	82-17-053
315-04-030	NEW-P	82-18-074
315-04-030	NEW-P	82-18-076
315-04-030	NEW	82-21-037
315-04-040	NEW-E	82-17-053
315-04-040	NEW-P	82-18-076
315-04-040	NEW	82-21-039
315-04-050	NEW-E	82-17-053
315-04-050	NEW-P	82-18-076
315-04-050	NEW	82-21-039
315-04-060	NEW-E	82-17-053
315-04-060	NEW-P	82-18-076
315-04-060	NEW	82-21-039
315-04-070	NEW-E	82-17-053
315-04-070	NEW-P	82-18-076
315-04-070	NEW	82-21-039
315-04-080	NEW-E	82-17-053
315-04-080	NEW-P	82-18-076
315-04-080	NEW	82-21-039
315-04-090	NEW-E	82-17-053
315-04-090	NEW-P	82-18-074
315-04-090	NEW-P	82-18-076
315-04-090	NEW	82-21-037
315-04-100	NEW-E	82-17-053
315-04-100	NEW-P	82-18-074
315-04-100	NEW-P	82-18-076
315-04-100	NEW	82-21-037
315-04-110	NEW-E	82-17-053
315-04-110	NEW-P	82-18-076
315-04-110	NEW	82-21-039
315-04-120	NEW-E	82-17-053
315-04-120	NEW-P	82-18-074
315-04-120	NEW-P	82-18-076
315-04-120	NEW	82-21-037
315-04-130	NEW-E	82-17-053
315-04-130	NEW-P	82-18-076
315-04-130	NEW	82-21-039
315-04-140	NEW-E	82-17-053
315-04-140	NEW-P	82-18-076
315-04-140	NEW	82-21-039
315-04-150	NEW-E	82-17-053
315-04-150	NEW-P	82-18-076
315-04-150	NEW	82-21-039
315-04-160	NEW-E	82-17-053
315-04-160	NEW-P	82-18-076
315-04-160	NEW	82-21-039
315-04-170	NEW-E	82-17-053
315-04-170	NEW-P	82-18-076
315-04-170	NEW	82-21-039
315-04-180	NEW-E	82-17-053
315-04-180	NEW-P	82-18-074
315-04-180	NEW-P	82-18-076
315-04-180	NEW	82-21-037
315-04-190	NEW-E	82-17-053
315-04-190	NEW-P	82-18-076
315-04-190	NEW	82-21-039
315-04-200	NEW-E	82-17-053
315-04-200	NEW-P	82-18-074
315-04-200	NEW-P	82-18-076
315-04-200	NEW	82-21-037
315-04-200	NEW	82-21-068
315-04-210	NEW-E	82-17-053
315-04-210	NEW-P	82-18-076
315-04-210	NEW	82-21-039
315-06-010	NEW-E	82-17-053
315-06-010	NEW-P	82-18-077
315-06-010	NEW	82-21-040
315-06-020	NEW-E	82-17-053
315-06-020	NEW-P	82-18-074
315-06-020	NEW-P	82-18-077
315-06-020	NEW	82-21-037
315-06-020	AMD-E	82-22-048
315-06-030	NEW-E	82-17-053
315-06-030	NEW-P	82-18-077
315-06-030	NEW	82-21-040
315-06-040	NEW-E	82-17-053
315-06-040	NEW-P	82-18-077
315-06-040	NEW	82-21-040
315-06-050	NEW-E	82-17-053
315-06-050	NEW-P	82-18-074
315-06-050	NEW-P	82-18-077
315-06-050	NEW	82-21-037
315-06-060	NEW-E	82-17-053
315-06-060	NEW-P	82-18-074
315-06-060	NEW-P	82-18-077
315-06-060	NEW-E	82-22-048
315-06-070	NEW-E	82-17-053
315-06-070	NEW-P	82-18-077
315-06-070	NEW	82-21-040
315-06-080	NEW-E	82-17-053
315-06-080	NEW-P	82-18-074
315-06-080	NEW-P	82-18-077
315-06-080	NEW	82-21-037
315-06-090	NEW-E	82-17-053
315-06-090	NEW-P	82-18-077
315-06-090	NEW	82-21-040
315-06-100	NEW-E	82-17-053
315-06-100	NEW-P	82-18-077
315-06-100	NEW	82-21-040
315-06-110	NEW-E	82-17-053
315-06-110	NEW-P	82-18-077
315-06-110	NEW	82-21-040
315-06-120	NEW-E	82-17-053
315-06-120	NEW-P	82-18-074
315-06-120	NEW-P	82-18-077
315-06-120	NEW-E	82-22-048
315-06-130	NEW-E	82-17-053
315-06-130	NEW-P	82-18-074
315-06-130	NEW-P	82-18-077
315-06-130	NEW	82-21-037
315-06-140	NEW-E	82-17-053
315-06-140	NEW-P	82-18-077
315-06-140	NEW	82-21-040
315-06-150	NEW-E	82-17-053
315-06-150	NEW-P	82-18-077
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315-06-160	NEW-E	82-17-053
315-06-160	NEW-P	82-18-077
315-06-160	NEW	82-21-040
315-06-170	NEW-E	82-17-053
315-06-170	NEW-P	82-18-077
315-06-170	NEW	82-21-040
315-06-180	NEW-E	82-17-053
315-06-180	NEW-P	82-18-077
315-06-180	NEW	82-21-040
315-06-190	NEW-E	82-17-053
315-06-190	NEW-P	82-18-077
315-06-190	NEW	82-21-040
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315-06-210	NEW-P	82-18-077
315-06-210	NEW	82-21-040
315-10-010	NEW-E	82-17-053
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315-10-010	NEW	82-21-038

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315-10-030	NEW-P	82-18-075
315-10-030	NEW	82-21-038
315-10-030	AMD-E	82-22-048
315-10-040	NEW-E	82-17-053
315-10-040	NEW-P	82-18-075
315-10-040	NEW	82-21-038
315-10-050	NEW-E	82-17-053
315-10-050	NEW-P	82-18-075
315-10-050	NEW	82-21-038
315-11-010	NEW-E	82-22-048
315-11-020	NEW-E	82-22-048
315-11-030	NEW-E	82-22-048
332-12-010	REP-P	82-20-081
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332-12-080	REP-P	82-20-081
332-12-090	REP-P	82-20-081
332-12-210	NEW-P	82-20-081
332-12-220	NEW-P	82-20-081
332-12-230	NEW-P	82-20-081
332-12-240	NEW-P	82-20-081
332-12-250	NEW-P	82-20-081
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332-12-270	NEW-P	82-20-081
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332-26-050	NEW-E	82-14-060
332-26-080	NEW-E	82-09-058
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332-140-020	NEW	82-14-058
332-140-030	NEW-E	82-10-050
332-140-030	NEW-P	82-11-090
332-140-030	NEW	82-14-058
332-140-040	NEW-E	82-10-050
332-140-040	NEW-P	82-11-090
332-140-040	AMD-E	82-14-057
332-140-040	NEW	82-14-058
332-140-050	NEW-E	82-10-050
332-140-050	NEW-P	82-11-090
332-140-050	NEW	82-14-058
332-140-060	NEW-E	82-10-050
332-140-060	NEW-P	82-11-090
332-140-060	AMD-E	82-14-057
332-140-060	NEW	82-14-058
332-140-070	NEW-E	82-10-050
332-140-070	NEW-P	82-11-090
332-140-070	NEW	82-14-058
332-140-090	NEW-E	82-10-050
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332-140-100	NEW-E	82-10-050
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332-150-020	NEW	82-14-042
332-150-030	NEW-P	82-11-081
332-150-030	NEW	82-14-042
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332-150-040	NEW	82-14-042
332-150-050	NEW	82-14-042
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344-12-045	NEW	82-12-052
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344-12-055	AMD-P	82-03-051
344-12-055	AMD	82-12-052
344-12-060	AMD-P	82-03-051
344-12-060	AMD	82-12-052
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344-12-085	REP	82-12-052
344-12-087	NEW-P	82-03-051
344-12-087	NEW	82-12-052
344-12-090	REP-P	82-03-051
344-12-090	REP	82-12-052
344-12-092	NEW-P	82-03-051
344-12-092	NEW	82-12-052
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344-12-098	NEW	82-12-052
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344-12-100	REP	82-12-052
344-12-102	NEW-P	82-03-051
344-12-102	NEW	82-12-052
344-12-105	REP-P	82-03-051
344-12-105	REP	82-12-052
344-12-107	NEW-P	82-03-051
344-12-107	NEW	82-12-052
344-12-110	REP-P	82-03-051
344-12-110	REP	82-12-052
344-12-112	NEW-P	82-03-051
344-12-112	NEW	82-12-052
344-12-115	REP-P	82-03-051
344-12-115	REP	82-12-052
344-12-116	NEW-P	82-03-051
344-12-116	NEW	82-12-052
344-12-120	REP-P	82-03-051
344-12-120	REP	82-12-052
344-12-125	AMD-P	82-03-051
344-12-125	AMD	82-12-052
344-12-130	REP-P	82-03-051
344-12-130	REP	82-12-052
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344-12-131	NEW	82-12-052
344-12-133	NEW-P	82-03-051
344-12-133	NEW	82-12-052
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344-12-135	REP	82-12-052
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344-12-250	NEW	82-12-052
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344-12-255	NEW	82-12-052
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344-12-280	NEW-P	82-03-051
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344-12-290	NEW-P	82-03-051
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352-12-020	NEW	82-08-027
352-12-020	REP-P	82-08-065
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352-12-030	NEW	82-08-027
352-12-030	REP-P	82-08-065
352-12-040	NEW-P	82-04-058
352-12-040	NEW	82-08-027
352-12-040	REP-P	82-08-065
352-12-050	NEW-P	82-04-058
352-12-050	NEW	82-08-027
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352-32-030	AMD	82-09-035
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352-32-045	AMD	82-09-035
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352-32-250	AMD	82-15-059
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352-32-255	NEW	82-09-035
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352-32-280	AMD	82-09-035
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356-06-010	AMD-C	82-07-034
356-06-010	AMD-C	82-09-020
356-06-010	AMD-E	82-09-021
356-06-010	AMD	82-09-022
356-06-010	AMD-E	82-15-004
356-06-010	AMD-P	82-15-073
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356-06-010	AMD-E	82-19-091
356-06-010	AMD	82-19-092
356-06-010	AMD-E	82-22-019
356-06-010	AMD-P	82-22-084
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356-06-055	AMD-P	82-15-073
356-06-055	AMD-P	82-18-059
356-06-055	AMD-E	82-19-091
356-06-055	AMD	82-19-092
356-06-055	AMD	82-22-020
356-06-080	AMD-P	82-15-073
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392-163-070	REP	82-20-035
392-163-075	REP-P	82-16-035
392-163-075	REP-C	82-19-046
392-163-075	REP	82-20-035
392-163-080	REP-P	82-16-035
392-163-080	REP-C	82-19-046
392-163-080	REP	82-20-035
392-163-085	REP-P	82-16-035
392-163-085	REP-C	82-19-046
392-163-085	REP	82-20-035
392-164-005	REP-P	82-16-035
392-164-005	REP-C	82-19-046
392-164-005	REP-C	82-20-034
392-164-010	REP-P	82-16-035
392-164-010	REP-C	82-19-046
392-164-010	REP-C	82-20-034
392-164-015	REP-P	82-16-035
392-164-015	REP-C	82-19-046
392-164-015	REP-C	82-20-034
392-164-020	REP-P	82-16-035
392-164-020	REP-C	82-19-046
392-164-020	REP-C	82-20-034
392-164-025	REP-P	82-16-035
392-164-025	REP-C	82-19-046
392-164-025	REP-C	82-20-034
392-164-030	REP-P	82-16-035
392-164-030	REP-C	82-19-046
392-164-030	REP-C	82-20-034
392-164-035	REP-P	82-16-035
392-164-035	REP-C	82-19-046
392-164-035	REP-C	82-20-034
392-164-040	REP-P	82-16-035
392-164-040	REP-C	82-19-046
392-164-040	REP-C	82-20-034
392-164-045	REP-P	82-16-035
392-164-045	REP-C	82-19-046
392-164-045	REP-C	82-20-034
392-164-050	REP-P	82-16-035
392-164-050	REP-C	82-19-046
392-164-050	REP-C	82-20-034
392-164-055	REP-P	82-16-035
392-164-055	REP-C	82-19-046
392-164-055	REP-C	82-20-034
392-164-060	REP-P	82-16-035
392-164-060	REP-C	82-19-046
392-164-060	REP-C	82-20-034
392-164-065	REP-P	82-16-035
392-164-065	REP-C	82-19-046
392-164-065	REP-C	82-20-034
392-164-070	REP-P	82-16-035
392-164-070	REP-C	82-19-046
392-164-070	REP-C	82-20-034
392-164-075	REP-P	82-16-035
392-164-075	REP-C	82-19-046
392-164-075	REP-C	82-20-034
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392-164-080	REP-C	82-19-046
392-164-080	REP-C	82-20-034
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392-164-085	REP-C	82-19-046
392-164-085	REP-C	82-20-034
392-164-090	REP-P	82-16-035
392-164-090	REP-C	82-19-046
392-164-090	REP-C	82-20-034
392-164-095	REP-P	82-16-035
392-164-095	REP-C	82-19-046
392-164-095	REP-C	82-20-034
392-168-005	REP-P	82-16-035
392-168-005	REP-C	82-19-046
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392-168-010	REP-C	82-19-046
392-168-010	REP	82-20-035

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392-168-020	REP-C	82-19-046
392-168-020	REP	82-20-035
392-168-025	REP-P	82-16-035
392-168-025	REP-C	82-19-046
392-168-025	REP	82-20-035
392-168-030	REP-P	82-16-035
392-168-030	REP-C	82-19-046
392-168-030	REP	82-20-035
392-168-035	REP-P	82-16-035
392-168-035	REP-C	82-19-046
392-168-035	REP	82-20-035
392-168-040	REP-P	82-16-035
392-168-040	REP-C	82-19-046
392-168-040	REP	82-20-035
392-168-045	REP-P	82-16-035
392-168-045	REP-C	82-19-046
392-168-045	REP	82-20-035
392-168-050	REP-P	82-16-035
392-168-050	REP-C	82-19-046
392-168-050	REP	82-20-035
392-168-055	REP-P	82-16-035
392-168-055	REP-C	82-19-046
392-168-055	REP	82-20-035
392-168-060	REP-P	82-16-035
392-168-060	REP-C	82-19-046
392-168-060	REP	82-20-035
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419-14-010	REP-P	82-09-075
419-14-010	REP	82-13-015
419-14-020	NEW-E	82-09-047
419-14-020	NEW-P	82-09-075
419-14-020	NEW	82-13-015
419-14-030	NEW-E	82-09-047
419-14-030	NEW-P	82-09-075
419-14-030	NEW	82-13-015
419-14-040	NEW-E	82-09-047
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419-14-040	NEW	82-13-015
419-14-050	NEW-E	82-09-047
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419-14-050	NEW	82-13-015
419-14-060	NEW-E	82-09-047
419-14-060	NEW-P	82-09-075
419-14-060	NEW	82-13-015
419-14-070	NEW-E	82-09-047
419-14-070	NEW-P	82-09-075
419-14-070	NEW	82-13-015
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419-14-080	NEW-P	82-15-001
419-14-080	NEW	82-19-020
419-18-010	REP-E	82-09-048
419-18-010	REP-P	82-09-076
419-18-010	REP	82-13-016
419-18-020	NEW-E	82-09-048
419-18-020	NEW-P	82-09-076
419-18-020	NEW	82-13-016
419-18-030	NEW-E	82-09-048
419-18-030	NEW-P	82-09-076
419-18-030	NEW	82-13-016
419-18-040	NEW-E	82-09-048
419-18-040	NEW-P	82-09-076
419-18-040	NEW	82-13-016
419-24-010	REP-P	82-09-075
419-24-010	REP	82-13-015
419-24-020	REP-P	82-09-075
419-24-020	REP	82-13-015
419-24-030	REP-P	82-09-075
419-24-030	REP	82-13-015
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419-28-020	AMD-P	82-22-093
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419-28-990	AMD-P	82-22-093
419-32-010	REP-P	82-09-075
419-32-010	REP	82-13-015
419-32-020	REP-P	82-09-075
419-32-020	REP	82-13-015
419-32-030	REP-P	82-09-075
419-32-030	REP	82-13-015
419-32-040	REP-P	82-09-075
419-32-040	REP	82-13-015
419-32-050	REP-P	82-09-075
419-32-050	REP	82-13-015
419-32-060	REP-P	82-09-075
419-32-060	REP	82-13-015
419-44-010	NEW-P	82-22-093
419-44-020	NEW-P	82-22-093
419-44-030	NEW-P	82-22-093
419-48-010	REP-P	82-09-076
419-48-010	REP	82-13-016
419-48-020	REP-P	82-09-076
419-48-020	REP	82-13-016
419-48-030	REP-P	82-09-076
419-48-030	REP	82-13-016
419-48-040	REP-P	82-09-076
419-48-040	REP	82-13-016
419-48-051	REP-P	82-09-076
419-48-051	REP	82-13-016
419-48-052	REP-P	82-09-076
419-48-052	REP	82-13-016
419-48-053	REP-P	82-09-076
419-48-053	REP	82-13-016
419-48-054	REP-P	82-09-076
419-48-054	REP	82-13-016
419-48-055	REP-P	82-09-076
419-48-055	REP	82-13-016
419-48-060	REP-P	82-09-076
419-48-060	REP	82-13-016
419-48-070	REP-P	82-09-076
419-48-070	REP	82-13-016
419-48-080	REP-P	82-09-076
419-48-080	REP	82-13-016
419-48-090	REP-P	82-09-076
419-48-090	REP	82-13-016
419-48-100	REP-P	82-09-076
419-48-100	REP	82-13-016
419-48-110	REP-P	82-09-076
419-48-110	REP	82-13-016
419-48-120	REP-P	82-09-076
419-48-120	REP	82-13-016
419-48-130	REP-P	82-09-076
419-48-130	REP	82-13-016
419-48-140	REP-P	82-09-076
419-48-140	REP	82-13-016
419-48-150	REP-P	82-09-076
419-48-150	REP	82-13-016
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419-52-010	NEW-P	82-04-044
419-52-010	NEW	82-08-023
419-52-020	NEW-E	82-02-075
419-52-020	NEW-P	82-04-044
419-52-020	NEW	82-08-023
419-52-030	NEW-E	82-02-075
419-52-030	NEW-P	82-04-044
419-52-030	NEW	82-08-023
434-16-010	REP	82-05-014
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434-16-030	REP	82-05-014
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434-16-050	REP	82-05-014
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434-16-090	REP	82-05-014
434-50-010	NEW-P	82-12-072
434-50-010	NEW-E	82-14-053
434-50-010	NEW	82-16-059
434-50-015	NEW-P	82-12-072
434-50-015	NEW-E	82-14-053
434-50-015	NEW	82-16-059
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434-50-020	NEW	82-16-059
434-50-025	NEW-P	82-12-072
434-50-025	NEW-E	82-14-053
434-50-025	NEW	82-16-059
434-50-030	NEW-P	82-12-072
434-50-030	NEW-E	82-14-053
434-50-030	NEW	82-16-059
434-50-035	NEW-P	82-12-072
434-50-035	NEW-E	82-14-053
434-50-035	NEW	82-16-059
434-50-040	NEW-P	82-12-072
434-50-040	NEW-E	82-14-053
434-50-040	NEW	82-16-059
434-50-045	NEW-P	82-12-072
434-50-045	NEW-E	82-14-053
434-50-045	NEW	82-16-059
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434-50-050	NEW	82-16-059
434-50-055	NEW-P	82-12-072
434-50-055	NEW-E	82-14-053
434-50-055	NEW	82-16-059
434-50-900	NEW-E	82-14-053
434-55-010	NEW-P	82-18-082
434-55-010	NEW-E	82-20-033
434-55-010	NEW	82-20-075
434-55-015	NEW-P	82-18-082
434-55-015	NEW-E	82-20-033
434-55-015	NEW	82-20-075
434-55-016	NEW-P	82-18-082
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434-55-020	NEW-P	82-18-082
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434-55-020	NEW	82-20-075
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434-55-030	NEW-E	82-20-033
434-55-030	NEW	82-20-075
434-55-035	NEW-P	82-18-082
434-55-035	NEW-E	82-20-033
434-55-035	NEW	82-20-075
434-55-040	NEW-P	82-18-082
434-55-040	NEW-E	82-20-033
434-55-040	NEW	82-20-075
434-55-050	NEW-P	82-18-082
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434-55-050	NEW	82-20-075
434-55-055	NEW-P	82-18-082
434-55-055	NEW-E	82-20-033
434-55-055	NEW	82-20-075
434-55-060	NEW-P	82-18-082
434-55-060	NEW-E	82-20-033
434-55-060	NEW	82-20-075
434-55-065	NEW-P	82-18-082
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434-55-065	NEW	82-20-075
434-55-066	NEW-P	82-18-082
434-55-066	NEW-E	82-20-033
434-55-066	NEW	82-20-075
434-55-900	NEW-E	82-20-033
434-91-010	NEW-P	82-09-061
434-91-010	NEW	82-12-022
434-91-020	NEW-P	82-09-061
434-91-020	NEW	82-12-022
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434-91-150	NEW-P	82-09-061
434-91-150	NEW	82-12-022
434-91-160	NEW-P	82-09-061
434-91-160	NEW	82-12-022
434-91-170	NEW	82-12-022
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440-44-001	NEW-P	82-08-080
440-44-001	NEW	82-13-011
440-44-002	NEW-E	82-08-078
440-44-002	NEW-P	82-08-080
440-44-002	NEW	82-13-011
440-44-010	NEW-E	82-08-078
440-44-010	NEW-P	82-08-080
440-44-010	NEW	82-13-011
440-44-015	NEW-E	82-08-078
440-44-015	NEW-P	82-08-080
440-44-015	NEW	82-13-011
440-44-020	NEW-E	82-08-078
440-44-020	NEW-P	82-08-080
440-44-020	NEW	82-13-011
440-44-023	NEW-E	82-08-078
440-44-023	NEW-P	82-08-080
440-44-023	NEW	82-13-011
440-44-025	NEW-E	82-08-078
440-44-025	NEW-P	82-08-080
440-44-025	NEW	82-13-011
440-44-026	NEW-P	82-13-078
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440-44-030	NEW-E	82-08-078
440-44-030	NEW-P	82-08-080
440-44-030	NEW	82-13-011
440-44-035	NEW-E	82-08-078
440-44-035	NEW-P	82-08-080
440-44-035	NEW	82-13-011
440-44-040	NEW-E	82-08-078
440-44-040	NEW-P	82-08-080
440-44-040	NEW	82-13-011
440-44-045	NEW-E	82-08-078
440-44-045	NEW-P	82-08-080
440-44-045	NEW	82-13-011
440-44-050	NEW-E	82-08-078
440-44-050	NEW-P	82-08-080
440-44-050	NEW	82-13-011
440-44-055	NEW-E	82-08-078
440-44-055	NEW-P	82-08-080
440-44-055	NEW	82-13-011
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440-44-057	NEW	82-17-021
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440-44-065	NEW	82-13-011
440-44-070	NEW-E	82-08-078
440-44-070	NEW-P	82-08-080
440-44-070	NEW	82-13-011
440-44-075	NEW-E	82-08-078
440-44-075	NEW-P	82-08-080
440-44-075	NEW	82-13-011
440-44-080	NEW-E	82-08-078
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440-44-080	NEW	82-13-011
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446-20-290	NEW	82-22-006
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446-20-300	NEW	82-22-006
446-20-310	NEW-E	82-18-006
446-20-310	NEW-P	82-18-007
446-20-310	NEW	82-22-006
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446-40-100	AMD-E	82-17-024
446-40-100	AMD	82-22-004
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446-40-110	AMD-E	82-17-024
446-40-110	AMD	82-22-004
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458-14-045	NEW	82-19-012
458-14-050	AMD-P	82-15-069
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458-14-051	REP	82-19-012
458-14-052	NEW-P	82-15-069
458-14-052	NEW	82-19-012
458-14-070	AMD-P	82-15-069
458-14-070	AMD	82-19-012
458-14-075	AMD-P	82-15-069
458-14-075	AMD	82-19-012
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458-14-086	AMD	82-19-012
458-14-090	AMD-E	82-15-023
458-14-090	AMD-P	82-15-069
458-14-090	AMD	82-19-012
458-14-091	AMD-E	82-15-023
458-14-091	AMD-P	82-15-069
458-14-091	AMD	82-19-012
458-14-092	NEW-P	82-15-069
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458-14-110	AMD	82-19-012
458-14-120	AMD-E	82-15-023
458-14-120	AMD-P	82-15-069
458-14-120	AMD	82-19-012
458-14-122	AMD-P	82-15-069
458-14-122	AMD	82-19-012
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458-14-125	AMD	82-19-012
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